CIVIL GOVERNMENT
FOR
INDIAN STUDENTS

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BY

HIS EXCELLENCY

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DEDICATED

TO THE

SCHOOL CHILDREN OF INDIA;

MAY THEY BECOME WORTHY CITIZENS

OF THE

GREAT EMPIRE OF WHICH THEIR

COUNTRY CONSTITUTES ONE

OF THE

FAIREST PORTIONS.

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FOREWORD.

MESSRS. S. C. SANIAL & Co., publishers, have asked me to revise those chapters of this text-book by PROFESSOR GARNER which relate to government in India, in the light of recent important constitutional reforms. I have made such changes as were necessary in PROFESSOR GARNER'S text to present accurately the effect of the Government of India Act, 1919, and of the statutory rules made thereunder; but I have tried to confine my alterations to the narrowest compass, so as to disturb as little as might be the general arrangement and character of the book, and have also concerned myself with matters of fact rather than of opinion.

In Appendix I I have included all the sections of main importance from a constitutional point of view, of the Government of India Act as amended last year and similarly with the passages in Appendix III from the first Report of the Joint Select

Committee upon the Bill of 1919. In Appendix II I have included the more important of the electoral rules of Bengal. Rules for other provinces follow the same general lines; and for illustrative purposes any of the provincial electoral rules are more useful than the rules for the Indian Legislature. These will be found of interest to the students of the new constitution.

W. S. MARRIS.

September, 1920.

PREFACE.

In writing this little book at the request of the publishers I have kept in mind the needs of school children as I know them from many years of experience as a teacher. I have endeavoured to describe in simple language the nature, necessity, purposes, functions and forms of government; what government does for us and how it does it; the nature and limits of liberty, the rights, duties and privileges of citizens and the role which the State plays as a member of the family of nations. I have also described the government of Great Britain and its colonies in order that Indian students may know something of the government of the Great Empire of which India is a part. It had also seemed to me that they would be interested in knowing something about the government of the United States, the great democracy of the new world as Great Britain is of the old world and I have accordingly added chapter on that subject. Naturally a book on government for Indian students would not be complete without

some discussion of the government of India and His Excellency Sir William Marris has therefore explained the essential facts regarding the organization of the Indian government, both central and local.

At this time when governments everywhere are being altered to bring them into harmony with the new conditions under which we live and when radical ideas regarding government are being disseminated, which if they were put into effect would menace the social order and undermine the best there is in our civilization, it is highly important that the young who are to constitute the future citizenship of the world should be correctly instructed in the fundamentals of political science and that they should have pointed out to them what is unsound and dangerous in the teachings of anarchists, communists, Bolshevists and other misguided extremists who are to-day carrying on an extensive propaganda in many countries. The importance of sound and wholesome instruction to combat the spread of this propaganda and to instill into the minds of the young correct notions regarding the necessity and purposes of government and the obligations of citizenship can hardly be exaggerated. This thought has been uppermost

in our minds in the preparation of this little book and if it subserves in any degree the main purpose we have had in mind, we shall feel amply repaid for our labours.

JAMES W. GARNER

URBANA, ILLINOIS, U.S A.
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CHAPTER I.

IMPORTANCE OF THE STUDY OF GOVERNMENT.

Why Study Government in the Schools ?—It may be asked why should boys and girls study government in the schools. The answer to the question is evident to anyone who will take the time to consider how much our comfort and welfare are dependent upon good government and the extent to which we ourselves are responsible for the character of the government which regulates our common affairs and promotes our interests in a thousand ways. The boys and girls of to-day will in a few years be grown-up citizens and upon them will devolve in a large degree the responsibility for carrying on the government and determining its policies.

Value of Education for Citizenship.—Those who live under a government in the management of which they have no share should be well informed on political matters for the sake of their own protection It is important that they should know what are their own rights as well as the rights and powers of the authorities who govern them. Moreover, it is only through education of this kind that they may hope to acquire a share in the choice of their governing officials and in the management of their public affairs. A people who are ignorant of political matters, who know nothing of the duties of citizenship and who are incapable of exercising intelligently the high privileges of citizens in a democracy cannot reasonably expect to be allowed a share in the conduct of the government to which they are subject. To allow such persons an active part in the government of others would be as dangerous as to allow a quack to practice medicine or a man who knows nothing of finance to direct a bank. It should never be forgotten that the business of government, especially to-day, is as difficult and complicated as is the management of a great private business enterprise. For the management of governmental affairs training and expert knowledge are

as necessary as they are for the successful management of a bank, a factory or a railroad. A government cannot be efficiently administered by ignorant and untrained men, nor can competent officials be wisely chosen by voters who are ignorant of the simplest affairs of government and such persons cannot justly complain if they are not allowed a voice in the selection of those who govern them. On the other hand, a people who are well informed on public questions, who understand the rights and duties of citizenship and who are qualified to perform intelligently their duties as citizens, should be given a voice in the choice of their officials and in the management of their public affairs and this share should be extended in proportion as their political capacity increases. This has been the practice in all enlightened states and to-day there are few countries where the people do not have some voice in the government, if they have demonstrated their fitness and capacity for self-government.

Duty of Boys and Girls of India.—In India, as in many other countries, the people do not yet enjoy full self-government but they have been given a share and it has been gradually extended from time to time and we may confidently as-

sume that it will be still further extended as the political intelligence and capacity of the people increase. The British statesmen who have governed India have many times declared that it is the desire of the government to extend the rights of self-government to the people of India as it has done in Canada and Australia, and there is no reason to believe that their declarations are not sincere. It is important therefore that the boys and girls of India should begin now to study the subject of government and of public affairs with a view to becoming intelligent, alert, well-informed, citizens and in proportion as they acquire knowledge of this kind and a capacity for governing themselves their share in the choice and management of their government will undoubtedly be increased. In a sense therefore, their future lies in their own hands. It is for you to fit yourselves for self-government by education and interest in public affairs or to remain ignorant and indifferent and without the political rights which are the ambition of every people who have not acquired a share in the management of governmental affairs. We say girls as well as boys should study government and become well informed on public questions, because women equally with

men are citizens and as such they have rights and duties scarcely less important than those of men. The old prejudice against the enfranchisement of women is rapidly disappearing and nearly everywhere they are being given a voice with men in governmental affairs. In many countries they have been placed on a footing of equality with men in respect to voting and holding office and in most cases they have demonstrated their fitness to exercise intelligently and for the public good the high privileges that have been conferred upon them. It may be confidently expected that some day the women of India will be given a voice equally with men in governmental affairs of their own country, provided they fit themselves by education for the discharge of this high duty. In the meantime they should seek to become well informed upon affairs of government and public questions in order that they may be in a position to exert a wholesome and intelligent influence upon those who already have a voice in political affairs.

Our Dependence Upon Government.—There are other reasons why the boys and girls of to-day should study government and take an interest in public affairs. Do you realize how many services the government performs for you and

how much you are dependent upon it for the protection of your rights and the promotion of your happiness and welfare? A hundred or more years ago the government did only a few things for us. It punished crime, enforced contracts, protected us against thieves, robbers and murderers, carried our letters and defended us against foreign aggression. To-day it performs almost a thousand services of one kind or another for us and regulates our life in many details from the cradle to the grave. Thus the place which government occupies in our lives has been tremendously increased; it touches us in some way or other every day, almost every hour; its protecting influence is brought home to us in a more intimate and vital manner than ever before. If the government is inefficient, incompetent, wasteful or dishonest we are far more injuriously affected than people were a century ago when the activities of government were limited to the performance of little more than police functions. To-day a government is very much like a joint stock company organized for the management of a bank, a railroad or other business enterprise. The citizens are the shareholders in the government; their stock consists of the interest which they have in the

government and their dividends of the protection and assistance they receive in return. In democratic countries they choose the directors who administer the government. Whether the enterprise is well managed therefore depends largely on the intelligence and care with which the shareholders have chosen their directors. If we consider in this light the government under which we live, the great part it plays in our lives, and the responsibility which rests upon us as citizens and shareholders become evident upon a moment's thought. Under modern conditions it is impossible to estimate the value of a good government as a protecting agency and promoter of our welfare and it is hard to imagine a greater curse to a people than a corrupt, inefficient or tyrannical government.

Our Interest in Government.—From all this, it follows that our interest in the character of the government upon which we depend for so many things must necessarily be much deeper and vital than in former times. We can no longer be indifferent to what the government does and how it does it. Our happiness, our prosperity, our welfare in a hundred ways are so intimately bound up with the character of the government under which we live that indiffer-

ence, lack of interest and co-operation is criminal negligence. And the better informed we are in regard to governmental affairs and public questions, the more politically intelligent we are as shareholders and citizens, the deeper and more intelligent must be our interest and sympathy.

Special Reasons for the Study of Government.—At this time there is a special reason why boys and girls everywhere, the world over, should devote a portion of their time to the study of government just as they do to the study of history, literature, geography and science. We are now passing through a period of political unrest and transition when governments in many parts of the world are being transformed to bring them into harmony with new conditions and needs. The next generation or two will probably witness still further and more fundamental alterations in our existing political institutions. With these changes in prospect it behooves us to become better informed regarding the history, forms and principles of government, in order that we may be in a position as citizens to pass sound judgments upon the changes that may be proposed for introduction. We ought to be able to distinguish between the true and

the false; between sound ideas and those which are impracticable; between institutions that are founded on justice and those which would work injustice. Unfortunately in some countries large numbers of extreme radicals—Bolshevists, Communists, Socialists, etc.—are now demanding changes which if adopted would destroy the foundations of government and undermine many of our long established and long cherished institutions. Some of them are demanding that the intelligent property-owning classes should be disfranchised and the government put into the hands of the laboring classes exclusively as has been done in fact in Russia by the Bolshevists; that private property should be abolished and held in common by everybody, that all wealth should be confiscated and that no man should be allowed to own and enjoy the fruits of his own labor, industry and economy; that all important industries should be managed by the government, and the like. Others—anarchists as they are called—even deny that government is a necessity and they demand that it should be abolished and every man allowed to do as he pleases. The number of people who are advocating these revolutionary changes are undoubtedly increasing and the only way to

check the spread of their dangerous doctrines is to convince them that they are wrong, and that their ideas are either unsound, impracticable or unjust. The trouble with them is that they do not really understand what government is and what it was established for They need to be shown that government is not only an absolute necessity but that it is a positive blessing to mankind ; that it does many things for us that would never be done at all if left to individual enterprise ; and that there could be no security of person or property, no enjoyment of rights, no real liberty and no progress if government were abolished and all men allowed to follow their own selfish desires.

The Remedy for Radicalism—Political education therefore is the remedy and this training should begin with the boys and girls in the schools. They should not only learn the facts about the organization and structure of the government under which they live, but more important still, they should be taught something about the fundamental principles which underlie the institution of government : why government is a necessity, why it is a blessing, why unlimited liberty is impossible, why the abolition of private property would not only be a wrong

and an injustice but would destroy the very foundations of all progress, why capital as well as labor is essential to the economic development of a country, etc.

If all the boys and girls of India could be given an opportunity in the schools to acquire sound ideas on these matters it is safe to assume that among the future citizens of the country we would find few Bolshevists, Communists, or other dangerous radicals but instead, intelligent, sympathetic, wide awake and patriotic citizens. In the following chapters we shall endeavour to tell you what government is, why it is a necessary institution and what it does to protect our rights and liberties and to promote our happiness and welfare.

TEST QUESTIONS.

1. Why is the study of government increasingly important to-day ?

2. Why should it be studied by boys and girls in the schools ?

3. In what respect is the character ot a government dependent to some extent on the intelligence and character of the citizens ?

4. What is the value to a country of an intelligent body of citizens ?

5. Do you think an ignorant man should be allowed a voice in the choosing of public officials and in the determination of public policies ?

6. What is the analogy between a government and a joint stock business enterprise? Who are the shareholders and in what does their interest consist?

7. What is the best way by which a people may fit themselves for self-government?

8. Why should women as well as men be educated for citizenship?

9. What are some of the things that are being advocated to-day by extreme radicals?

10. Why are their ideas wrong? What is the remedy against the spread of such ideals?

CHAPTER II.

WHAT IS GOVERNMENT?

Definition.—In the preceding chapter we emphasized the importance of the study of government by boys and girls in the schools. In this chapter we purpose to try to tell you something about the nature, origin and necessity of government. The English word "governor" is derived from the Latin *gubernator*, which means a pilot, that is, one who guides or steers. A "government" therefore is an organization, a collective body of officials which directs or manages certain of our common affairs. It is an agency or authority which the people have established or to the establishment of which they have given their consent, to act for them in the management of those common affairs which if left to individual management would not be well done, or would not be done at all. Since they must be done and since the people as a whole cannot do them, they create an agency for this

purpose and confer on it power and authority to act for them This is what we call civil government. But there are also other kinds of government. Thus we have family government in which the authority is exercised by the father and mother; we have school government in which the teacher is the governing authority; we have church government, etc. In every group or social unit which has collective interests to promote or rights to be protected, whether it be the family, the school, the church or the State, some kind of government is necessary.

Distinction Between Government, State, Society and Nation.—To understand the nature of civil authority we must distinguish between the term "government" and certain other terms frequently employed in books on government, such as "state," "society" and "nation." If we go back to the earliest stages of history we shall find that men were accustomed to group themselves voluntarily into clans, tribes and nations with a view to maintaining peace, securing protection and defending and promoting their common interests. Those who were related by blood or marriage called themselves a "tribe." The tribe was a group of families and it constituted the second stage of social

development, the family being the first and oldest. In the course of time the tribe expanded into the "nation" which was a still larger group made up of men who spoke a common language, or had a common race origin and who had perhaps other bonds of unity and common interests, religious, commercial and the like. When the people constituting these groups came to have certain identity of interests, common customs and common ideals they became a "society." The bonds which united them however, were not political but social. In order to protect and advance their common interests it was necessary to organize themselves by setting up a common authority with power to prescribe regulations for their mutual conduct, to punish violations of those regulations and to protect the society against foreign danger. This involved the organization of what we call the state. The state differed from the tribe and nation, which were mainly ethnic unities, and from society, the bonds of which were social, in being a political organization. It represented the highest as it was the last stage in the development of society from the original family unit. It was the social body plus the political organization.

The State.—We may define the State therefore as a portion of human society politically organized and being independent of the control of some other society. The essential elements which make up the State are : people, territory, political organization and independence. There is no rule as to the extent of territory or the number of people required to constitute a State. In fact, the existing states of the world vary in the extent of their territory from petty principalities like San Marino embracing only a few square miles of territory to empires like Great Britain covering millions of square miles. Similarly they vary in population from those with a few hundred people to those comprising many millions. Whatever may be the extent of territory or the number of people they must be organized politically and they must be independent of external control in order to constitute a state. A people who are not thus organized, however numerous they may be, do not constitute a state. Likewise, if they are a part of some other state, they do not themselves constitute a state, however large their local autonomy and right of self-government may be. Thus Scotland, Canada, Australia, India and Illinois are not States, strictly speaking although some of these coun-

tries, notably Austrålia, and Canada enjoy almost complete freedom from control by the British government. Legally they are merely territorial subdivisions of the greater state of which they are a part.

Sovereignty.—The one feature which distinguishes the state from all other voluntary groups and associations of men, religious, social, educational or otherwise, is that the state is, as we have said, a political organization. The former groups may and usually do possess some form of government for the management of their common concerns but their governing authorities lack that power which we call sovereignty. The church, for example, has its own system of government ; it makes rules which are binding upon its members ; it may discipline or even expel a refractory member but it cannot punish its members by fine, imprisonment or hanging as the state may do when one of its citizens violates the law. The state alone possesses sovereignty, that is, the supreme power over all persons and things within its territory. It alone may give commands which everyone must obey ; it alone may make laws that are binding upon all ; it may in certain cases take our property, deprive us of our liberty, compel us by means of force to do

this or that and even take our life when we have forfeited it by the commission of high crimes. No other organization or association has such power. The state may do these things because the people have authorized it to do so in the common interest and for their common protection. If the state did not have this power it would not be different in legal principle from the numerous voluntary associations which men have formed for the special purpose of promoting their group interests, social, religious, etc. It would not be able to serve effectively the high purposes for which it was created. It must have both supreme power and force: power to command and prohibit certain acts in the common interest of us all, and the necessary force to compel obedience to its commands. Take this power away from the state and it will become little more than a rope of sand. There is no danger in giving this power to the state, especially when it comes from the people directly or through their assent. The power of the state as such is legally unlimited, which is only another way of saying that the power of the people is unlimited. This does not mean, however, that the power of the government which is merely the agent which the people have established to act

for them and to which they have delegated a certain portion of their power, is unlimited. In all modern democratic states the people have placed restrictions upon the powers of their government. This is done through what we call a constitution, that is, the body of fundamental law which formally prohibits the government from doing a great many things which it is believed no government ought to do, or which requires that its powers shall be exercised in a certain manner and subject to certain restrictions Thus while the power of the state, that is, the people in their organized capacity, has no legal limits, the power of the authorities through which the people act is limited and restricted in a great many ways, for the protection of the people against the arbitrary, unjust and illegal conduct of their rulers.

Views of Anarchists.—We may now answer the question whether government is a necessary institution. There is in every country a small number of people, for the most part uneducated, who advocate the abolition of government, and some of the more extreme among them would destroy it by violent means, since they well know that such a revolutionary measure can never be effected by peaceful processes. Such

are the Nihilists of Russia and the revolutionary anarchists who advocate the assassination of public officials, the destruction of government buildings by means of bombs, and the like. Their objection to government is that it interferes with the liberty of the people by requiring them to do certain things and by forbidding them to do certain others. Governments, they say, are by their nature tyrannical They are corrupt and inefficient, and they pillage the people by means of taxes. If government were done away with there would be no taxes to pay, no policemen to tyrannize over the citizens, no restrictions upon our freedom. We should then live in a sort of earthly paradise where the liberty of the individual would be unlimited and where we should all be free to do what we wish. Government, they argue, is not only an evil but an unnecessary evil. The only excuse for government in any form we are told, is to protect the good citizens against crime committed by bad men and if government were done away with the citizens could organize voluntary agencies as a substitute just as in small towns the people organize voluntary fire companies to extinguish fires that may break out. Under this system of voluntary protection there would be no taxation,

no coercion, no arbitrary exercise of power, no interference with the liberty of the citizen.

Views of Anarchists Criticized—But, however much we may desire to be free of the burden of taxation and of the restrictions which the law sets to our conduct it is certain that we should be infinitely worse off under regime of anarchy. The anarchist either ignores or misreads some of the commonest facts of human nature. If government were abolished and all laws repealed so that each man would be left free to determine the limits of his own freedom conflicting determinations would result, and the strong man would reduce the weaker to subjection. If each man were at liberty to do as he pleases there would be continual conflicts and in the absence of a common judge the will of him who had the power would prevail over the will of the one who could not defend his own rights. The result would be not a system of unlimited liberty but a system of slavery and tyranny. Force instead of justice would rule society, physical power instead of law would be the measure of our rights. There could be no security of person or property, no enjoyment of right, no progress. Instead of the millennium pictured by the misguided anarchist we should indeed be

thrown back into what the old philosophers used to call the "state of nature," a condition of society in which every man's hand was against every other and in which there was a potential if not an actual war of all against all. Long ago men lived in a society of this kind but their experience demonstrated the fallacy of the claims of the anarchists. They found life to be intolerable under such conditions and to escape from it they formed the state and set up a government as its agent to which they delegated authority to make laws for the common good, to settle their disputes, to punish crime and to protect the citizens against wrong and injustice Every civilized people have found this to be a necessity and there is no record of a society, aside from barbarous and savage communities, which has lived any length of time without government and law No, the ideas of the anarchists are visionary and utterly impracticable; both human nature and experience have abundantly demonstrated this truth. Government and law are an absolute necessity if there is to be any civilization at all, far more so now than in earlier times; no satisfactory substitutes have ever been found to take their place and it is not likely that any ever will be.

TEST QUESTIONS

1. What is the origin of the terms "governor" and "govern" ?

2. What is a "government" ?

3. What are the different kinds of "government" ?

4. Distinguish between the terms "government," "state," "society," and "nation."

5. Explain the origin of the state.

6. What is a State ? What are its essential elements ? How does it differ from all other organizations or associations ?

7. What is sovereignty ? Why is it an essential attribute of the State ?

8. Why is government a necessity ?

9. What are the views of anarchists regarding government ? Show how their views are impracticable.

10. Would mankind be better off or worse off if government were abolished ? Do you know of any substitute which could take the place of government if it were abolished ?

11. What would we lose if government were done away with ?

CHAPTER III.

FUNCTIONS AND ACTIVITIES OF GOVERNMENT.

Theories as to Governmental Functions.—Having endeavoured to explain to you what government is, how it came to exist and why it is a necessity, we shall now consider its functions. Concerning the question as to what the government should undertake to do for the people and what it should leave to them to do for themselves as individuals or by means of private associations, companies, partnerships, etc., there has always been and still is a difference of opinion. The views that are held in regard to this matter may be grouped into three classes.

The Individualistic View.—In the first place, there is the view that the functions and activities of government should be restricted to the narrowest possible limits. This is known as the *laissez faire* theory. Those who hold to this view argue that government is essentially an evil; that every extension of its activity necessarily in-

volves some restriction upon the freedom of the individual to do what he pleases; consequently its functions ought to be limited to the repression and punishment of crime, the maintenance of public order and security, the preservation of the peace, defence against foreign aggression, and the like. That government which governs least, according to their view, is the best. The legitimate role of government it is maintained is analogous to that of a policeman: it must keep men from committing injuries against one another and punish those who are guilty of such infractions. It ought not therefore to undertake the role of a promoter or regulator of conduct further than what is necessary to prevent some individuals from violating the rights of others. It ought not to interfere with industry, trade and the exercise of the professions, or attempt to promote the public health through sanitary regulations, or tax the people for the maintenance of public schools, libraries, art galleries and similar institutions, or for the support of the poor and needy or perform other services of this sort in the general interest. These are not proper functions for a government to perform, we are told. The individual should be let alone; his conduct should be left unregulated except in so

far as it is necessary to prevent him from violating the rights of others ; education, art, industry, care of the poor, the promotion of the health of the community, and the like should be left to individual enterprise.

Defence of this view.—The argument of those who adopt this view is that considerations of simple justice require that the individual should be left alone so far as possible in order that he may develop his own faculties, which is not possible where his freedom, initiative and sense of self-reliance are impaired by state regulation. Excessive government regulation, we are told, weakens individual character and interferes with the healthy and natural development of a people ; a people who habitually depend upon their government to do everything for them, said John Stuart Mill, have their faculties only half developed. Moreover, it is argued, the principle of non-interference by the government rests on sound economic foundations since if the conduct of industry is left to individual initiative the free play of competition and self-interest will stimulate production and insure better economic results. Finally, it is said, the wisdom of non-interference on the part of the state with trade and industry and with the liberty of the individual,

so far as it is not absolutely necessary for the prevention of crime and the violation of the rights of others, has been demonstrated by the futility of the attempts that were made in earlier times to regulate prices, the wages of labor, manner of dress, and even the size of button holes, the length of shoes which men should wear, the kind of material in which the dead should be buried, etc. All such meddlesome legislation proved to be mischievous and destructive of the ends which it was designed to promote and was ultimately repealed. Therefore it never should have been enacted.

The Socialistic View—At the opposite extremity are those who hold that government is not a necessary evil but a positive good and that it should do for the people a great many things in their collective interest. They believe in a maximum rather than a minimum of government; the activities of the state should therefore embrace a great variety of measures and undertakings for the promotion of the economic, social, and educational welfare of the people. This is what we may call the socialistic theory of governmental functions Those who hold to this view maintain that the government should own and operate the railroads, canals, and other

means of transportation, the telegraph and telephone systems, the coal mines and forests, and various local public utilities such as street railway, gas, electric light and water works plants, docks, wharves, ferries, etc. Some extreme representatives of this school advocate common ownership of land. They argue that under the present system of private ownership and management of public utilities there is enormous waste resulting from unrestricted competition, and the consequent duplication of services ; that they are managed with a view to private profit and not for the benefit of the public ; that in consequence, the service is often inferior and unduly expensive ; that unrestricted competition means lower wages, and overproduction, that under the system of private management the laboring man does not receive a sufficient share of the fruits of his toil since a large share must go to reward capital, etc. As to land, mineral and forest resources, these are nature's gifts to man and they ought not to be appropriated by the few for their special benefit any more than the sunlight, air or water should be monopolized by a few. Finally, it is argued that the system of unrestricted private competition tends to develop the spirit of materialism and exploitation

of the people and a general lowering of the standard of individual character.

Criticism of the Individualistic Views.—But both experience and reason have demonstrated that neither of these theories of governmental functions is sound or practicable. Those who contend that the state should do nothing more than maintain the peace and punish crime are wrong in assuming that government is an evil, that all restraint on human conduct is mischievous, and that government regulation and assistance necessarily involve an interference with the legitimate freedom of the individual. On the contrary, experience has abundantly demonstrated that government, especially if it be an honest and efficient government, is not an evil but a necessary agency for the promotion of the common good and that its functions cannot be limited merely to the repression of crime. If by some change of human nature crime should cease there would still be a need for government to supply the collective wants of the people and to promote their common interests, which would never be done at all or only poorly done if left to private enterprise. The number of such services will increase with the increasing complexity of our civilization. The poor must be provided

for, the public health must be safeguarded and promoted, the mails must be carried and delivered, factories must be regulated and inspected for the protection of their employees, many industries upon which the public is dependent must be regulated in the interest of the people and a hundred other things must or should be done if our civilization is to advance and the welfare of the people promoted, and yet they will not be done unless they are done by the government Those who advocate the theory of state functions described above exaggerate the evils of state regulation and overlook the benefits ; they overemphasize the importance of the individual and ignore the interests of society ; they wrongly assume that all regulation in the interest of the public necessarily restricts the legitimate freedom of the individual The welfare of all the people must take precedence over the interest of the individual.

Criticism of the Socialistic View.—On the other hand, those who go to the other extreme and advocate government ownership of all means of transportation and government management of all public utility, industries, exaggerate the value of government ownership and management, and underrate the value of private

initiative and enterprise. Certainly those who would go to the length of abolishing private property and of substituting a system of communism in its place, not only ignore the practical difficulties which would be encountered in the operation of such a system, but they do not seem to realize that by destroying the great element of self-interest they would dry up one of the chief springs of human endeavor and destroy the principal incentive to individual effort and industry Take away the right of the individual to own the products of his own toil and to enjoy personally what he accumulates by his own industry and you will put an end to all progress by destroying the incentive to labor and thrift. No economic or political system under which the indolent, the shiftless and the improvident will receive the same economic reward as the industrious, the thrifty and the skilled can be good for a people. It is now being tried out in practice by the Bolshevists in Russia but there is no reason to believe that it can be permanent. Such a system is contrary to the teachings of experience and is in violation of the simple and just principle that each man should be rewarded according to his own skill, his application, his industry and his thrift. Lying somewhere

between these two theories of state activity is to be found the true principle.

The Sounder View.—The state is neither a mere police organization for keeping the peace and for restraining men from committing crime nor is it an organization for supplying all the wants of men. It must do more than restrain and punish and yet it ought not to be expected to do for individuals what they can do as well for themselves. That would as we have said, weaken the sense of private initiative and destroy the individual's sense of self-reliance. It is of course difficult to draw a hard and fast line between the things which a government ought to do for the people and the things which it ought to leave them to do for themselves; it is rather a line which must change with the changing conditions and needs of society. So far as a general rule may be formulated we should say it is this: if the proposed service is for the common good, and if it is one which can be better performed by the government or at less cost to the citizens, than if left to private enterprise, there would seem to be no reason why the government should not undertake it. Likewise if it is a regulation which is proposed and if the effect of it would be to protect or promote the common interest of

the community as a whole, the fact that it curtails the freedom of one person or a small class is no reason why the regulation should not be made. In such cases the good of the greater number should be the determining factor. Thus a compulsory vaccination law, a quarantine regulation, or a factory act may interfere with the freedom of an individual to spread disease throughout the country, or a company to exploit its employees or to compel them to work under degrading conditions, but it is justifiable if it is necessary for the safeguarding of the public health or the protection of factory workers against wrongful treatment. It is a false notion of liberty to say that it embraces the right of an individual to spread a contagious disease throughout the community, or to maintain his premises in an insanitary condition or to require his employees, if he is a factory owner, to work under conditions which constitute a danger to their health or lives. The right of the state to restrain such conduct is as well founded as its right to repress and punish crime. No government does its full duty to the people when it merely protects them against fraud, violence and crime and leaves them exposed to conditions that are dangerous to their health, their morals

and their lives when those conditions can be removed by wisely directed state action. The state should be an instrument of economic and social progress by seeing to it that the economic and social conditions under which the people are compelled to live are wholesome and conducive to the development of their highest faculties and the enjoyment of happiness. Most governments in fact proceed in accordance with this principle and many of them go even further and encourage education, science, literature and the fine arts, without which no nation can ever be truly great.

TEST QUESTIONS

1. What is the individualistic or laissez-faire theory of governmental functions ?

2. What are the arguments of those who advocate this theory ?

3. What are the arguments against such a theory ?

4. Describe the socialistic theory.

5. What are the arguments of those who advocate the socialistic theory ?

6. In your judgment is it a sound theory ?

7. Do you believe the government should operate the postal service ? the railway and telegraph services ? Should it own the land ? the coal mines ?

8. What is Communism ? What is the danger of such a system ?

9. What is Bolshevism ? What is wrong with such a system of government ?

10. What do you consider to be the true view of governmental functions ?

11. Why should the state care for the poor ? Why should it support education ? Why should it protect and promote the public health ?

12 Do you think the state should encourage the fine arts, literature, science, etc ?

CHAPTER IV.

Some Things Government Does for Us

Protection of Life.—In the preceding chapter we discussed the principal theories which are held in regard to the functions of government. In this chapter we purpose to tell you some of the things which governments actually do for us First of all, the government protects our lives against the attacks of others. This was in fact one of the original reasons why government was established. In every community there are bad men who do not respect the rights of others and who sometimes go to the length of taking the lives of their fellow-citizens for the sake of their own gain. There are others, not necessarily criminals by instinct, who sometimes kill in the heat of passion and excitement. To protect the community against such crimes the state passes laws defining and prohibiting murder and other crimes against person, except in case of self-de-

fence, and provides officers for arresting offenders, jails in which to confine them and courts for trying and punishing them. In no community has it ever been possible to prevent murder, but everywhere the knowledge which one has that if he takes the life of a fellow-citizen there is at least a probability that he will pay for it with his own life is a powerful deterrent against such acts. It is safe to say that if there were no law against murder and no governmental machinery for apprehending and punishing murderers, crime of this kind would be much more common than it is. In thus protecting us against murder and attacks against our persons the government performs one of its most important and essential services, and one of the tests of an efficient government is to be found in the degree of success with which it discharges this duty.

Protection against Accident.—The government, it may be added, not only protects our lives against the attacks of others but it also endeavours to protect us against accident not due to our own carelessness. Thus it requires railway companies to make use of signals, sometimes to erect gates at crossings, to refrain from running their trains in excess of a certain speed, especially while passing through towns, to equip

their cars with certain safety appliances, and the like. Likewise steamship companies are required to carry life-boats and belts and take other precautions for the safety of their passengers. Factories and mines are required to be equipped with certain devices to protect their employees against accident from dangerous machinery. In the cities there are strict traffic regulations designed to protect the people from being run over by street cars, wagons and automobiles. A thousand examples might be given to illustrate the various ways in which the government endeavors to protect us from accidents of one kind or another.

Protection of Property.—Again the government protects our property against robbery, theft and unlawful destruction. The law justly recognizes the right of private property, that it is the right of the individual to appropriate for himself the fruits of his own labor or what he takes from nature, to use and enjoy it, to dispose of it in almost any way that he pleases and to bequeath it to his children or other heirs at his death. The state, of course, defines what is property and everywhere it forbids the ownership of property in certain things. Thus no one may now own property in slaves ; in countries

where liquor prohibition laws have been passed ownership of liquor is forbidden; in most countries property in the form of gambling paraphernalia is forbidden. The right of property like other rights is not therefore absolute and unlimited. Nor is the individual allowed to use it in all cases without restriction. Thus while one may own fire arms he cannot use them in such a way as to expose others to annoyance or danger. Again, while one may own a house he is not allowed to maintain it in such an insanitary condition as to endanger the health and lives of his neighbors. Nor may one who owns an automobile drive it when and where he pleases without regard to the convenience and safety of others.

Subject to conditions and restrictions of this kind the individual is free to acquire, own, use and dispose of property at his will and the state will protect him in the enjoyment of this fundamental right. It punishes robbers, thieves and tresspassers, and allows the individual whose property has been injured by another to bring a suit in the courts against the latter and to recover damages for the injury which he has sustained. As a damage suit does not always provide an adequate remedy for injuries, the property owner

is allowed to go into a court of equity in advance and have the court issue an order to restrain an individual from committing a threatened injury against his property. The government seeks to protect our property in other ways. Thus city governments maintain fire departments to protect our houses from destruction by fire and many regulations are issued with a view to preventing the outbreak and spread of fire. Thus in many cities, it is forbidden to erect wooden buildings, within the limits of the city or in certain districts therein and sometimes it is forbidden to store explosives in certain parts of the city. To protect the owners of landed property against loss in consequence of disputes over titles, provision is made for the registration of land titles by which the fact of ownership is made a matter of official record. In these and other ways the government encourages us to become property owners and protects us in the use and enjoyment of that which we have lawfully acquired.

Protection of Liberty.—In the next place the state not only protects our rights of property but it defines, guarantees and protects our liberty. In a later chapter we shall endeavour to explain to you what liberty is and what are its

limits. Here it is only necessary to say that no real liberty is possible where there is no government and no law. The law having marked out the boundaries of our freedom it is the duty of the government to see that within the limits so defined we shall be free to act as we please, subject of course to the conditions and restrictions which the law may have imposed upon our freedom of action. Within that sphere neither the government nor any private individual may lawfully interfere with us. Should an officer of the government unlawfully tresspass upon the domain thus reserved to us we may go into court and have him restrained from encroaching upon our rights. Should a private individual do likewise we may have him restrained or if he succeeds in violating our rights before he has been restrained by the courts, we may have him punished or sue him for damages and compel him to pay us a sum of money for the injury committed. In all such cases we look to the government, and especially to the courts, to guarantee and protect us in the enjoyment of the liberty which the law has declared to belong to us. This is one of the principal purposes for which government was originally established and when the duty is properly discharged it con-

stitutes one of the greatest blessings of government. A government which either allows the people a reasonable degree of liberty or which does not protect them in the enjoyment of that which it promises fails to perform one of its most sacred and fundamental duties.

Administration of Justice.—Again the state administers justice. If we enter into a contract with some one else and he neglects or refuses to observe the terms of the agreement, we may go into court and compel him to do so or obtain money damages on account of the injury or loss which we have sustained because of his conduct. Likewise, if we have a dispute with a neighbour regarding the ownership of property, or if a neighbour owes us a just debt and refuses to pay it, or if he violates any other right or privilege which the law gives us the courts are open to us for the enforcement of our rights. Instead of settling the controversy by force and violence, in which case the stronger man would win, as was the practice in earlier times before the state had come into existence, we refer the controversy to the courts and there it is decided by the judge or jury on the basis of the law and the evidence. Reason and experience have demonstrated beyond all question that this is the

better method of settling disputes and enforcing rights; it insures that the weak and humble shall receive justice and it provides a means of security which in the absence of a system of courts would be precarious indeed. In a later chapter we shall describe in more detail how the courts administer justice.

Protection of the Public Health.—The mentioned functions may be regarded as the original, primary, essential objects of government. Every government which deserves the name must perform these duties towards its people. To neglect them would mean a relapse into anarchy. But while they may be regarded as the essential functions of all governments, no government to-day in fact limits itself to them. All governments perform, in addition, a great variety of other services, the number of which is too large to even enumerate here. It must suffice therefore to speak of a few of the most important of them. In the first place, all governments undertake to safeguard and promote the public health of the community from diseases and epidemics. They do this in many ways. They endeavour to require the maintenance of wholesome sanitary conditions in the community, they provide systems for disposing of sew-

age and waste, they require the citizens to construct their houses so as to provide light and ventilation, they require houses to be provided with adequate plumbing facilities, they require the owners of industrial establishments where large numbers of men and women are employed to maintain sanitary conditions therein and for the enforcement of such laws a system of inspection is provided, they forbid the sale of adulterated and unwholesome food, they provide a supply of wholesome drinking water for the inhabitants ; to prevent the spread of contagious diseases the houses in which they are found are quarantined and sometimes the people of the community are required to be vaccinated even against their will. Hospitals and sanitariums are maintained and many other things are done, the number of which is too large to be even mentioned here.

Care of the Poor.—Likewise all governments to-day undertake to care for the poor, the aged and the infirm who have no means for supporting themselves or who have no near relations upon, whom they may depend. In earlier times the state did little or nothing for the care of the poor but left it to the church or to private charity organizations. But as time passed the humani-

tarian sense of men and women revolted at this neglect of the poor and gradually everywhere it came to be recognized as a duty of the state. In every civilized country to-day, therefore, poor houses, charity hospitals and similar institutions are provided by the government for taking care of this unfortunate class and the community is taxed for their establishment and upkeep. There are still a few persons who do not regard this as a duty or a legitimate function of the government but in practice no government to-day acts on such a theory. In the performance of this service an effort is of course made to distinguish between the deserving poor and needy, that is to say, those who have been reduced to poverty through no fault of their own, and those whose want is the result of idleness, shiftlessness or extravagance. The latter class cannot justly claim to be supported by the state, although naturally, it is not always an easy task to determine who are deserving and who are not.

Promotion of Education.—Education, at least in the lower grades is now regarded in nearly all countries as a legitimate function if not a duty of the state. In earlier times the education of children was left entirely in the hands of their parents, the church or private schools and in con-

sequence large numbers of children, especially among the poor, never had any opportunity at all to acquire even the rudiments of an education. Gradually, however, it came to be recognized that to permit the mass of the population to grow up in ignorance was not only a source of economic loss to the country but even of danger. With the growth of democracy and the enfranchisement of the mass of the people in many countries, it also became evident that if democracy were to be a permanent success those who were given a share in the management of the government must at the same time be given an opportunity to acquire at least an elementary education. One country after another, therefore, began to establish a system of primary schools, supported by taxation, in which all children could acquire an elementary education. From this it was only a short step to the establishment of public secondary schools, and this was eventually followed by the establishment of colleges, universities, technical and professional schools, normal schools, and in fact educational institutions of every sort, all founded and supported by the state out of taxation. At first, attendance upon the public schools was entirely voluntary and many parents refused to take ad-

vantage of the opportunities thus provided and kept their children away from school. But in time the idea took root that every parent ought to be required to send his children to school, not only as a duty which he owes to them, but in the interest of the State as a whole and consequently states began to pass compulsory school laws requiring parents to keep their children either in a public or private school for a certain period of the year. Naturally there are cases where such a requirement may entail hardship on the parents, for example, where they are dependent on the labour of the children for their own support or where the parents are too poor to provide their children with school books or suitable clothing. Generally the existence of such a situation is recognized and exemptions from the operation of the law are permitted in special cases. In some countries, especially in the large cities, an effort is made to reduce the burden of poor parents by providing free lunches and free text books for the children and in some communities wagons are provided for transporting them to and from their homes to the school. It is evident from this brief summary that education to-day is regarded as a duty of the state and in every civilized country a large

part of the taxes and expenditures go for this purpose.

Most governments in fact go much further than providing schools and colleges for the education of the youth and maintain public libraries, art galleries, museums and other establishments whose purpose is mainly educational. As in the case of provision for the care of the poor, there are a few persons who do not believe in state-supported education. According to their view the duty of the state should be restricted mainly to the preservation of the peace, the repression and punishment of crime and similar services. It is wrong, they argue, for the state to tax a property-owner who has no children, to help to educate other peoples' children. But this is a very narrow view ; and it has few advocates ; and no civilized state acts in practice in accordance with it.

Other Services Performed by the Government. —These are some of the more important services which government performs for the people in all countries. The list does not by any means include everything that government does for us. In most countries the government constructs or aids in the construction of, roads,

bridges, canals, dikes, irrigation-works, light houses, harbours, etc., and in some countries the government even owns and operates the railroads as well as the telegraph and telephone systems. In many cities the city-governments own and operate the street railways, electric light, gas and water plants, docks, wharves and other public utilities ; in some cities they own theatres, opera houses, slaughter houses and even pawnshops, lodging houses, bathing establishments and other similar institutions. In every country the postal service is operated by the government and this includes not only the transportation of letters but also of merchandise and the transmission of money. In many countries the post office department also maintains a system of savings banks in which the people may deposit their savings and upon which the government pays them interest. This not only insures that their money will be safely kept but it encourages thrift and economy. Many other services are performed by the government in different countries. As stated above, schools, colleges, and universities are maintained, so are art galleries, museums, zoological and botanical gardens, parks, experimental farms or stations for the improvement of agriculture, loans are

advanced to farmers, working men are insured against old age, sickness and accident, and the like.

Conclusion.—It is evident from this summary that governments to-day are performing a great variety of services for the people which in former times were left to private enterprise and since they were not always profitable as business ventures they were frequently not performed at all. To insure that they shall be done and done for the good of the people it is necessary that they should be undertaken by the government. We can easily imagine what a great loss it would be to the community if there were no government to do these things for us or if we should act on the principle that these were not proper functions of government and leave them to private initiative in which case they would not be done at all or not in the public interest. An enumeration of these indispensable services undertaken by the government in the interest of the common good ought to be sufficient to convince any thinking boy or girl of the absolute necessity of government, and its inestimable value to mankind. With the increasing complexity of our modern civilization, its necessity and value as a promoter of the common welfare must in-

crease correspondingly. It is therefore idle to think of doing away with government or of limiting its functions to the mere repression and punishment of crime.

TEST QUESTIONS.

1. In what ways does the government protect our persons?

2. What are some of the agencies and means by which this protection is given?

3. How does the government endeavour to protect us against accident not due to our own negligence?

4. By what means does the government encourage us to become property owners? How does it protect us in the enjoyment and use of property?

5. What are some of the restrictions on our right to own and use property?

6. How does the government protect our liberty? Could there be any true liberty if there were no government? Who determines the degree of our liberty?

7. How are disputes between individuals concerning their rights settled? Why is it better to have them settled by a court than to allow the disputants to settle them by force?

8. In what ways does the government endeavour to insure and protect the public health? Is it right that men who have been exposed to a contagious disease should be required to be vaccinated?

9. Why should the state care for the poor? Why should a distinction be made between the deserving poor and those whose poverty is a result of their own neglect?

10. Why should the state provide educational opportunities for children? Is it just to tax one man to help educating another man's children?

11. Should the state require parents to send their children to school when the state has provided free schools? Is elementary education compulsory in India?

12. Name some other services which most governments perform for the people. Why should they be performed by the government rather than by private individuals?

CHAPTER V.

FORMS OF GOVERNMENT.

Variety of Forms.—Having explained to you what government is and why government is a necessity and having discussed some of the things which government does for us, we shall now tell you something of the forms and kinds of government. At the outset, we may state that there are many types of governments in the world to-day, for men differ in their opinions regarding forms of government as they do in regard to religion, customs and manner of dress. As yet there is no general agreement as to what is the best form though it may be said that nearly everywhere there is a tendency toward the adoption of a form that rests on democratic principles, that is to say, government in which the people have a direct share and over which they exercise control. In one country therefore, we find one type of government and in a neighbouring country we find a wholly different type.

The Old Classification,—Absolute Monarchy.—The old writers usually classified governments as monarchies, aristocracies and democracies. A monarchy was a government by one man who might be a king or an emperor or who usually held his crown by hereditary succession. This form of government was again subdivided into two types: absolute monarchies and limited monarchies. An absolute monarchy was one in which the powers of the monarch were not limited by a constitution or by any law except that which he himself made He made and executed the law, he levied such taxes as he pleased, he spent the money of the state for such purposes as he wished, and he governed the people according to his own will. He allowed them such rights and permitted them such liberties as he thought were good for them. He was himself the sole judge of what was for their interest and it is hardly necessary to say that they were allowed little or no voice in choosing their governors and determining public policies. He might be a wise and benevolent man who ruled his people for their own good or he might be tyrannical, arbitrary and unfit. In either case such a form of government could not be popular because it did not rest on the democratic

principle that governments derive their just powers from the consent of the governed. This form of government was almost univer-sal in ancient and medieval times, but by the end of the 19th century it had practically disappeared, being retained only in Russia, Turkey and a few Asiatic countries Even in Russia and Turkey it has since fallen before the onward advance of democracy and constitutionalism and except in Asia there is to-day no example of absolute monarchy remaining.

Constitutional or Limited Monarchy—The other form of monarchy is the limited type where the powers of the monarch are limited by a constitution which defines and restricts his powers and the limitations of which he cannot overstep without forfeiting the right to his crown Most of the monarchies which remain belong to this class. Some of them, that of England for example, are in fact monarchies only in name, the king having few actual powers, the real power being exercised by the parliament and the ministers, subject to the control of the people. In reality England is a republic and has a government which in some respects is even more democratic than that of the United States which we

are accustomed to regard as the most democratic of states.

Aristocracy.—An aristocracy was a form of government in which the governing power belonged to a small select class Aristocracies might be elective or hereditary, that is to say, the governing class might be chosen according to some process of natural selection or they might be hereditary, the latter being the common rule. Hereditary aristocracies were sometimes called "artificial" aristocracies as contradistinguished from "natural" aristocracies because the governing class was not selected with reference to any principle of fitness or character. The old Greeks made a distinction between aristocracies and oligarchies, an aristocracy being a government by the few best in the interest of all, whereas an oligarchy was government by the few rich in their own interest. Modern opinion, however, makes no such distinction, the one being as objectionable as the other in the popular mind. Aristocracies were common in ancient and mediæval times and many governments of modern times were aristocratic in part, that is to say, they combined monarchical, aristocratic and democratic elements. They were described by some writers as "mixed"

governments, England being an example. The crown constitutes the monarchical element, the House of Lords the aristocratic element and the House of Commons the democratic element. But since the crown has lost most of its actual powers (or at any rate has ceased to exercise them so that they may be regarded as obsolete and the exercise of them unconstitutional) and since the House of Lords has been deprived of its power to reject important bills passed by the Commons (except as temporary obstruction), the English government, as stated above, is now in reality a democracy. Government by an aristocracy, especially if the term be understood as meaning the "best," as the old Greeks so interpreted it, undoubtedly has its merits. Intrinsically, government by the "best" if it is administered in the interest of all, manifestly is preferable to government by the ignorant mass, but the difficulty lies in the impracticability of finding any just test for distinguishing between the "best" politically speaking and the rest of the population. If we admit, as we must, that the most fit and capable, that is, the aristocrats in the best sense of the word, should govern we are at once confronted by the problem of how can this class be

selected. It is now generally admitted that capacity for government is not a quality that may always be inherited; hereditary aristocracies therefore must be ruled out of consideration in determining what is the best form of government. Nor is the ownership of property or the possession of a degree from a school or college always a safe and just test for determining one's fitness for participation in government. All such tests are likely to be more or less arbitrary and if adopted will result in government by a class, which many people regard as among the most objectionable forms of government. The only aristocracies likely to find favour to-day is what Jefferson called "natural" aristocracies or aristocracies of merit composed of the fittest and most competent and who according to Jefferson could be best chosen by election. If in democracies those who belong to this class were always chosen by the people democracy as a form of government would be open to little criticism.

Democracy.—The third general type of government, according to the old method of classification, was democracy, that is, a government by the majority of the people for the people. Naturally this form of government as we now

understand it, was rare in ancient and mediæval times. The old Greeks made a distinction between "democracy" and "polity," the former being regarded by them as government by the mob, and this conception of the character of democracy persisted for many centuries. Until very recent times, government by the people was considered as a dangerous and impracticable experiment. Government, it was argued, is one of the most difficult of tasks; it requires special ability, training and a high degree of intelligence; consequently the mass of the people, who rarely possess these gifts, are incapable of governing themselves, or at least of governing themselves wisely. But as time passed this feeling gradually became less strong, monarchies and aristocracies fell before the advancing strides of democracy and in most countries to-day governments are largely in the hands of or under the control of the people themselves. What the future of democracy will be no one can predict; it lies mainly with the people themselves; if they fit themselves by education and training for the duties which democracy entails and if they perform those duties wisely and in the interest of the common good there is no reason to fear that democracy will fail.

The Two Forms of Democracy.—Democracy as a form of government, like monarchy and aristocracy, may be sub-divided into two classes; representative democracy (sometimes called a republic) and pure or direct democracy. A representative democracy is a form of government which is administered largely by representatives or agents who act for the people since the people themselves are ordinarily too numerous to assemble together for the purpose of making their laws and determining public policies. Some of these agents especially those who make the laws are chosen directly by the people themselves; others such as administrative officials and judges are usually selected by appointment, though in some countries, such as the United States, many of these are also elected by the people.

A pure or direct democracy, on the other hand, is one which is carried on not by representatives chosen by the people to act for them but by the people themselves directly in mass meeting or by use of the referendum. Under such a system the voters assemble at a common point, enact their laws, vote the necessary taxes, elect their officers and decide upon important questions of public policy, without the help of a legislative body. Manifestly a government of

this kind is possible only in small and sparsely settled communities, where it is convenient for the voters to assemble at a common place and where the functions of government are few and simple. Survivals of this type of government are found to-day only in a few of the small and sparsely settled cantons of Switzerland. Somewhat analogous to it are the town meetings in some of the New England states of North America, where the voters assemble in a common meeting and without the aid of representatives determine for themselves many matters of local government.

Criticism of the Old Classification.—The old classification of governments as monarchies, aristocracies and democracies is to-day out of date and is largely worthless. Monarchies in the old sense have all but disappeared and most of those which remain are in spirit if not in form democracies. This is true for example of the government of Great Britain which, as we have said, is in most respects quite as much a democracy as the government of the United States. To treat it as a monarchy merely because it has a king means that it must be put in the same class with the governments of Turkey and Persia from both of which it differs far more than from

that of the United States which is placed in a different class To call a government "monarchical" to-day conveys very little idea of its real character. Likewise the distinction between aristocracies and democracies is now largely arbitrary, the difference being one of degree only. The attempt to draw a line between them must often lead to hair-splitting and helps us little to get a correct conception of the actual character of either.

In order to classify governments properly we must find a more logical and consistent basis upon which governments may be distinguished from one another in their spirit as well as their form.

Constitutional Government.—First, governments may be classified as "constitutional" and "arbitrary." A constitutional government is one whose powers are defined and limited by the terms of a constitution whereas the powers of an arbitrary government are not. Under the former type of government what the king, the president or the parliament or other officials may do is set forth with more or less detail in the constitution, so that they are not left free to follow their own arbitrary will. Such a government has been aptly described as one of laws and not of men.

Any act done in violation of the terms of the constitution is illegal and void. The constitution marks out a sphere of action for the government and another sphere of liberty for the people, and upon the latter sphere it is not lawful for the government or any of its agents to encroach. In other words, a constitution is like a fence which has been erected between the people and their government and over this fence it is not lawful for the government to go. The constitution is therefore an instrument of protection and limitation in the interest of the people. Most governments to-day belong to this class, although in former times they were far less common. A constitution may be written, like those of the United States, France, Belgium. Germany and Italy, or it may be largely unwritten like that of England, the greater part of which consists of custom, tradition, maxims, understandings, etc. In fact, however, no existing constitution is entirely written or entirely unwritten. In the United States, for example, a very considerable part of the actual working constitution consists of custom and usage, while a large part of the constitution of Great Britain has in fact been reduced to written

form and is to be found in great acts of parliament, such as the *habeas corpus* act, the bill of rights, the parliament act of 1911 and others. Each of these two kinds of constitutions has its strong and weak points as we have said in another place.

Federal Government.—In the second place governments may be classified as "federal" and "unitary." A federal government is one in which the powers of government are divided into two groups by the constitution and distributed between a common central government and the various local governments. The governments of the United States, Switzerland (and now Germany), Canada, Australia and South Africa, belong to this class. The United States is a federal union composed now of 48 states. There is at Washington a central government whose jurisdiction extends over the entire union while each state has a constitution and government of its own and a very large sphere of local autonomy. This sphere of local independence is created not by the central government at Washington but by the national constitution which confers certain powers of a general character affecting the entire country upon the national government and at the same time leaves all other powers (with some

express exceptions) to the separate states themselves, this on the theory that all matters of local interest should be left to the local government. This form of government has the great merit of combining the advantages of a common central government for the management and regulation of affairs of general interest to the people of the country as a whole with the equal advantage of local self-government to the people of the different parts of the country. Thus while such matters as commerce, foreign affairs, war, coinage of money and the like are regulated uniformly for the whole country, each state is free to have its own system of local government, its own law of marriage and divorce, its own law relating to the press, religion, education, business, labor, etc. There is, however, a certain weakness in this system of divided authority especially in respect to the conduct of war, and experience has proved that in the United States the division of power between the United States and the separate states is now somewhat out of harmony with existing economic and political conditions and that the national government ought to have certain powers that have been left to the states. The result is there is a great variety and diversity of legislation among the different states in res-

pect to certain matters upon which there ought to be uniformity of legislation. This is not, however, a defect of the federal system but is rather a fault in the method by which the powers of government have been divided between the union and the different states which compose it. The remedy therefore lies not in the abolition of the system of federal government but in the redistribution of the powers of government.

Unitary Government.—A unitary government is one in which the constitution does not itself divide the powers of government between a common central government and the local territorial units which make up the larger state but is one in which all powers are conferred on the central government, which may in turn if it sees fit, delegate some of them to the local authorities. But in that case the central government may withdraw the powers of local government thus delegated or may extend or curtail them in its discretion. In short, the local units are at the mercy of the central government, since their rights and powers are not defined and protected by the constitution. The central government may in fact abolish the local governments, alter their territorial boundaries or make any changes in their area or powers

that it sees fit. The governments of Great Britain, France, Belgium, Italy and most of the other states of Europe belong to this class. Thus England is composed of counties, cities and boroughs ; France of departments ; Belgium and Italy of provinces but these territorial units do not enjoy a large constitutional autonomy such as the states of the American republic do. They are, as stated above, completely subject to the control of the central government. But it does not follow from this circumstance that the counties, departments and provinces of the counties mentioned have no local autonomy or right of self-government. The fact is, the counties and cities of England enjoy quite as much actual self-government as those of the United States do and there is no danger that they will ever be deprived by parliament of this right, though if it should ever appear necessary there are no constitutional restrictions on the power of parliament to do so, as there are in the United States. In France, however, where an extreme system of centralized government still prevails the rights and liberties of the departments, cities and communes are very much restricted. Such a system of government undoubtedly possesses elements of strength as compared with the

federal system, but since it involves control by the central government of many affairs of purely local interest it is contrary to the ideas of local self-government such as prevail in England and the United States, and even in France there is much dissatisfaction with it.

Parliamentary or Cabinet Government.—In the third place we may classify governments as "parliamentary" and "presidential" The parliamentary system (or cabinet system, as it is sometimes called) is one in which the government is carried on by ministers, taken usually from one or both houses of parliament, and who are subject to the control of parliament. This system is found in Great Britain, France, Belgium, Italy, Canada, Australia, South Africa and many other countries. Under such a system the king (in France, the president) has very little actual power, the executive power really being exercised by the ministers subject to the control of the legislature. They prepare and introduce into parliament all important laws of a public character and steer them through both chambers. When they have been passed the ministry advises the king (or president in France) to approve them, which he does as a matter of course after which the ministry as the real executive

body executes them. Thus we see that in this system the executive and legislative functions are not strictly separated and confided to different authorities. But in respect to their legislative and executive policies the ministers are under the immediate control of parliament and secondarily of the electorate to whom an appeal may be taken by the ministry whenever in case of a difference of opinion between it and the parliament, it thinks the opinion of parliament is not that of the voters. In such a case the ministry advises the king to dissolve the parliament (or rather the more popular branch of it) and order a new election thus giving the voters an opportunity to pass judgment on the issue. If the voters approve the policy of the ministry it remains in power, otherwise it resigns and a new ministry representing the views of the country takes its place. Whenever the ministry loses the confidence of the parliament, a fact which may be signified by a vote of lack of Confidence, the refusal of the parliament to pass the laws which the ministry asks it to pass or to grant the sums of money which it demands, it resigns and makes way for another ministry which represents the views of a majority of the popular chamber. This system of

government is often called "responsible" government, for such it is in fact. It is indeed the most responsible of all systems of government. It is the only system under which the government is carried on subject to the oversight and control of the representatives of the people. One of its great merits is that by means of dissolution it affords a means of appealing to the electorate at any time and of obtaining an expression of the will of the country. No other system of government provides such a means of keeping the government in harmony with public opinion and of enforcing the will of the people upon their representatives and agents at all times.

Presidential Government.—What we have called the "presidential" system is one in which the executive and legislative functions are kept strictly separate. This system is found in the United States and a few other countries. The executive authority is conferred on a president or a governor elected for a specified term of years and his political acts and policies are not subject to the control of the legislature. He is not obliged to resign when he loses the confidence of the legislature. The legislature may refuse to pass the laws which he recommends or

appropriate the money he asks for; it may disapprove and condemn his political policies; it may criticise and censure, but he continues to hold office and to govern until the end of his term in spite of the opposition of the legislature. He is aided by a cabinet each member of which is at the head of a great executive department and collectively they are his official advisers but in other respects it bears little analogy to a European cabinet The members of the cabinet are not taken from the legislature and they are not even allowed to occupy seats in the legislative chamber for the purpose of giving information or defending their policies from attack Like the president they are not obliged to resign when they lose the confidence of the legislature for they may belong to a different political party to that which is in control of the legislature. Their responsibility is to the president who appoints them and who may remove them at will, and not at all to the legislature. They are in short, the advisers and subordinates of the president and not his masters; they are subject to his direction and control; they have nothing to do with legislation; they cannot even introduce a bill in the legislature or appear there for the purpose of advocating its adoption; like the

president they are entirely independent of the control of the legislature so far as their tenure and political policies are concerned Americans believe this system has distinct merits and it was introduced after the revolution not so much because it was considered better than the cabinet system but rather because the cabinet system of England at that time was very unpopular in America and because the Americans were a bit infatuated with the belief that the strict separation of legislative and executive functions was necessary to the maintenance of liberty.

These are the more important types and forms of government now in existence in the different countries of the world. Each has its elements of strength and weaknesses and it would be difficult to say which one is the best. The fact is one form of government may be best adapted to the needs and conditions of one people and another, and different type to those of another. Perhaps the parliamentary system is the best for England, the presidential federal system for the United States and the parliamentary centralized system for France.

TEST QUESTIONS.

1. How did the early writers classify the forms of government? Criticise this classification.

2. What is a monarchical government? Describe an absolute monarchy. What is constitutional or limited monarchy? What are the merits and demerits of monarchy?

3. What is aristocracy? What are the several kinds of aristocracy? What are the merits and demerits of aristocracy?

4. What is the principle of democratic government? What are the two forms of democracy? In what does the strength of democracy consist? What are its weaknesses? How may the dangers of democracy be avoided?

5. What is meant by constitutional government? What is a constitution? What are the two types of constitutions?

6. Under what conditions is the pure or direct form of democracy practicable?

7. Explain the system of federal government. What countries have this system? What are its advantages and disadvantages?

8. What is meant by unitary government? How does it differ from federal government? Where is it found? What are its elements of strength and weakness?

9. Describe the system of parliamentary or cabinet government. What is the cabinet, how is it chosen and what is its relation to the head of the state and to the legislature? What are the chief merits of this system of government?

10. Describe the system of "presidential" government. Where is it found?

11. What is the difference between the American cabinet and a European cabinet?

12. Of the various forms of government described in this chapter which do you think is the best? Give the reasons for your answer.

CHAPTER VI.

CITIZENS: THEIR RIGHTS AND DUTIES.

Definition of Citizen.—We told you in a preceding chapter that the state is a people organized under a common government established for the purpose of protecting their rights and promoting their common interests. In every state there are two classes of persons: first, those who are known as citizens, and, second, those whom we call aliens In Great Britain and in fact, in monarchical countries generally those who belong to the first class are officially designated as "subjects," but in republics the term "citizen" is preferred. The two words, however, mean substantially the same thing since a citizen is necessarily subject to the authority of the state in which he resides and there is no good reason why he should not be described as a "subject." To call a citizen of the British Empire a "subject" does not imply that he is any the less free

than a citizen of the United States. In the last chapter we remarked that a citizen is somewhat analogous to a shareholder in a private stock company. In a very real sense a citizen is a shareholder in that highest of all associations, the state. He is, as we sometimes say, a member of the body politic; he is entitled to all the benefits for which the state was organized and in return for these benefits, he owes it certain duties and obligations. The state is, in short, a sort of mutual benefit society. This does not mean, however, that every citizen necessarily enjoys political privileges such as the right to vote and hold office; it only means that he is entitled to enjoy all civil rights which the state defines and creates. In every state large numbers of citizens are denied the right to vote and to hold office, for example, children, women (in many states) and other persons who for various reasons are not deemed qualified to exercise for the common good the privilege of voting or holding office. The terms "citizen" and "elector" therefore are not synonymous, since there are many citizens who are not voters and in some parts of America, for example, there are voters who are not citizens.

How Citizenship may be Acquired.—There

are several ways by which one may become a citizen. In the first place citizenship may be acquired by birth within the territory of the state. Thus by British law any person born within His Majesty's dominions and allegiance shall be deemed a "natural-born" British subject. This is also the law of the United States of America and indeed of most countries. Likewise, any one born on board a British ship whether in foreign waters or not, is a British subject. In the third place, any person born outside of Great Britain whose father is a British subject is a natural-born British subject. In the fourth place, a foreign woman acquires citizenship of a particular country by marrying a citizen thereof. If, for example, an American woman marries a British subject she acquires his citizenship, that is, she becomes a British subject and at the same time loses her American nationality. Finally, a foreigner may become a citizen of a particular state through the process of naturalization, that is, by being formally accepted as a member of the body politic. Under the laws of most countries to-day it is the recognized right of any person to give up his citizenship and become naturalized in another country, though in former times this right

was not generally recognized. In every country, however, certain conditions must be fulfilled and certain formalities complied with before an alien may be admitted to citizenship. Thus everywhere a period of residence in the state is required, a period which varies from two to ten years depending on the country. In Great Britain and the United States this period is five years, but in some countries (for example France) it is ten years In Great Britain he must also be a person of "good character" and must possess an "adequate knowledge of the English language" and he must declare his intention of either residing in British dominions or of entering the service of the Crown. He must also take an oath by which he renounces his allegiance to the state of which he is at the time a citizen. One cannot therefore be a citizen of two countries at the same time. In Great Britain the certificate of naturalization is issued by a Secretary of State who may refuse it in his discretion. When it has once been granted the person to whom it is issued becomes entitled to all the political and other rights, powers and privileges and subject to all obligations, liabilities and duties to which a natural-born British subject is entitled or subject. Before 1914 when

this provision was embodied in the law, naturalized British subjects were under some disabilities ; for example, they were not entitled to hold certain offices and they were not entitled to the protection of the British government if they returned to their native country, but the law as it now stands places naturalized citizens on a footing of an absolute equality with native-born citizens, so far as their right of protection in foreign countries is concerned.

How Citizenship may be Lost.—One may lose his citizenship in various ways. As we have said, a woman loses her citizenship by marriage to an alien and thereby acquires his nationality. It is hardly necessary to say that one loses his citizenship by becoming naturalized in another country, for as we have said, one cannot be a citizen of two countries at the same time. According to British law a person who at the time of his birth within the British dominions is a subject of some other country, may upon the attainment of his majority make a declaration of alienage, that is, he may decide not to retain his British citizenship but may take that of the country of which he is a subject. According to the law of some countries a citizen who resides abroad for a term of years (ten years in the case

of German and French citizens) without declaring before a consul or other officer of his own country his intention of returning home, loses his citizenship in consequence of such neglect. But if he makes this declaration he may reside abroad indefinitely without forfeiting his citizenship, provided he does no act which is inconsistent with his duties and obligations as a citizen of his own country. In case he loses his citizenship by such negligence or misconduct and does not become naturalized in the country in which he has taken up his residence, he becomes what is called a "stateless" person, that is, he is a citizen of no country. Finally, in some countries a man may forfeit his citizenship by misconduct such as desertion from the army or navy, or by conviction of certain crimes.

Rights of Citizens.—As we have already stated, citizenship confers certain rights and benefits. It is impossible to enumerate all of them here. Among them may be mentioned the right to acquire and dispose of property, both personal and real; the right to the protection of his government not only at home but when he is in a foreign country, so long as he does not forfeit the right by misconduct; the right to make use

of the courts for the enforcement of his legal rights; and if he is a qualified elector, the right to vote and to hold office. These are valuable rights and without them the lot of the individual would be miserable indeed. Some of us do not always realize fully what it means to be a citizen or appreciate the benefits which citizenship confers. It is one of the highest gifts the state can bestow upon an alien and it ought never to be conferred on those who do not give evidence of worth or character.

Duties and Obligations of Citizens.—It is hardly necessary to tell you that rights and privileges always imply corresponding duties and obligations and this is none the less true of the rights of citizenship. In return for the protection which the state gives its citizens and the various benefits and opportunities which it confers, each owes it his allegiance and obedience. It is the first duty of every citizen to obey the laws that have been made for the protection and welfare of all and no one who does not render this duty in full measure can justly claim to be regarded as a good citizen. By disobedience to the laws we forfeit our right to the enjoyment of the privileges of citizenship itself and we may even be deprived of our citizenship for such

misconduct. In the second place, it is the duty of the citizen to assist in the up-keep of the government by paying punctually and in full measure the taxes which he is called upon to contribute for defraying the expenses of the government. No government can be maintained without the means of meeting its financial obligations and these means must come in large measure from the people, in the form of taxes. Happily the protection and benefits which the taxpayers receive more than offset the amount which they contribute in return therefor. No tax "dodger" is ever held in high esteem by the community, however honest he may be in his private affairs.

What Citizens Owe the State.—In the third place, the citizen owes the state his personal service in case it is needed for purposes of defence. If he is called on to serve in the militia or the army to defend the country against foreign aggression or against riots, local disturbances or outbreaks which the authorities are powerless to suppress, it is his duty as a good citizen to come to the aid of the state and in doing so he is serving his own interest as well as performing a public duty.

Finally the citizen owes his country **loyalty**

and patriotism. He ought to be attached to its institutions and in sympathy with its ideals and traditions. Its flag should be to him a symbol of justice and right and the display of it ought always to arouse feelings of pride, loyalty and patriotism. A country which can boast of citizens the mass of whom are keenly alive to their duties and obligations and who are always ready to perform loyally and ungrudgingly the services which they owe it is to be envied and those who are so fortunate as to live in such a state may take just pride in being citizens of such a country.

Status of Aliens.—Having said this much about citizens we may now consider briefly the status of those who are not so fortunate as to be citizens, that is to say, aliens. An alien is a person who lives in or who is temporarily domiciled in one country but who is a citizen of some other country. In every country to-day there are large numbers of such persons (in the United States the number is said to aggregate 10,000,000). What is their legal status and what are their rights and duties? Although not members of the body politic where they reside they are, like citizens, subject to its authority and are bound to obey the laws equally with

citizens. They will, accordingly, be punished for violating the laws, exactly as citizens are punished. It goes without saying that they must pay taxes equally with citizens and they may even be required to serve in the militia or police (though not in the regular army) if their services are required for the local defence or for the maintenance of public order, in case the local authorities are unable to do so. It is now generally admitted that they are entitled to the protection of the government under which they are living and to the support of which, as stated above, they are required to pay taxes, though of course, unlike citizens, they cannot claim this protection when they go abroad. In that case they must look to the government of the country of which they are citizens for the protection of their rights. As far as civil rights are concerned, the practice in most countries is to treat them on a footing of equality with citizens They are usually allowed to acquire and dispose of property (though in some countries they are not allowed to own land), the courts are usually open to them for the enforcement of their rights under the same conditions which apply to citizens and it is now generally admitted that if they are the object of attack by mobs

or riotous persons because they happen to be foreigners, they must be indemnified by the state in which they reside for the injuries they have sustained, especially if the public authorities make no attempt to protect them against such attacks.

Disabilities of Aliens.—In former times aliens were subject to many disabilities. Under the common law of England and the United States, for example, they could not inherit land but this disability has been abolished and they may now acquire both real and personal property by inheritance as well as by purchase or gift. In a few countries they are still subject to some civil disabilities but the modern tendency everywhere is to treat aliens and citizens alike in respect to their civil rights. But as to political privileges they are still subject to disabilities in all countries. Generally, they cannot vote, hold office, or exercise a political franchise of any kind. This is not unjust because they are not legally speaking, members of the state; moreover, if they desire to exercise political privileges they may do so by becoming naturalized, after which they are entitled to practically all the rights and privileges of native-born citizens.

TEST QUESTIONS.

1. What is a citizen ? What is an alien ?

2. Distinguish between the terms "citizen" and "subject." Between the terms "citizen" and "elector."

3. In what sense is the state like a mutual benefit society ? What is the analogy between a citizen and a shareholder in a business enterprise ?

4. In what ways may an alien become a citizen ?

5. What is meant by naturalization ? What are the usual conditions under which a foreigner may be naturalized?

6. Are the rights of a naturalized citizen the same as those of a natural born citizen ?

7. In what ways may one lose his citizenship ? What is meant by the right of expatriation ? May a British subject remove to a foreign country and become a citizen thereof without obtaining the permission of the British government ?

8. May one be without the citizenship of any country ? What is such a person called ?

9. How may one forfeit his citizenship ?

10. What are some of the rights of citizenship ?

11. What are some of the duties ?

12. What are some of the rights of aliens ? Some of their disabilities ?

CHAPTER VII.

SUFFRAGE AND VOTING.

Voting as a Privilege of Citizenship.—In the last chapter we told you something of the rights and duties of citizens; we now propose to discuss one of the greatest privileges of citizens, namely, the privilege of taking part in the government which regulates their conduct, protects them in their person and property and manages certain of their common affairs. You will observe that we have called it a *privilege*, rather than a *right*. There have been and there are still some persons, however, who contend that it is a right,—not merely a privilege—a natural and inherent right which belongs to every citizen irrespective of his fitness or capacity to exercise it intelligently and for the public good. But this view has never been followed in practice in any country. Nearly everywhere in fact, it has been regarded as a privilege, a reward for

merit, which has been bestowed only upon such citizens as give evidence of their capacity to exercise it intelligently and for the public interest.

Disfranchised Classes.—In all countries the privilege of voting is denied to minors for the reason that they lack the necessary maturity of judgment. Until comparatively recent times women universally were disfranchised and they are still in many countries, although they are citizens equally with men. In some countries men who are unable to read or write or who lack other evidence of intellectual capacity are not allowed to vote, and in some, those who do not own a certain amount of property or who do not pay taxes or who have become bankrupt are likewise excluded. Finally, in all countries persons who are regarded as morally unfit are denied the privilege of voting, for example, persons who have forfeited their right by committing crimes and especially crimes against the election laws. It is clear from this summary therefore, that voting is not regarded as a natural right of the citizen, since in every country many citizens are in fact disfranchised for one reason or another. Nevertheless, it may be said that every grown-up man who is intellectually and morally qualified to exercise a share in choosing

those who govern him and in determining the policies of the government to which he is subject has a moral claim on the state to be admitted to a share in the government and nearly everywhere to-day in fact he enjoys this privilege.

The Suffrage To-day in America.—In former times the great mass of the people were denied this privilege, it being restricted to a comparatively small number of persons, usually the property owning class, but with the spread of democracy throughout the world and the general recognition of the principle that government to a large degree ought to rest on the consent of the governed one barrier after another has been removed until to-day in most countries every grown-up male citizen whatever his rank or condition, who gives evidence of his capacity is allowed some share in the conduct of the government to which he is subject. In some countries this share is, of course, much larger than in others. In the United States, for example, the people not only choose most of their public officials from the justice of the peace up to the President, but they have a voice in framing and amending their constitutions; in all parts of the country many questions of public policy such as the creation of parks, the establishment of schools

and other institutions, the borrowing of money and many other matters of public policy are determined by a popular vote of the citizens ; and in many states laws passed by the legislature are submitted to the people (this is known as the *referendum*) for their approval or disapproval. So many questions of this kind are submitted to the voters in America that they are sometimes confused and the results are not always entirely satisfactory especially when complicated questions which many of the voters cannot understand fully, are submitted for their judgment. But it nevertheless has two important advantages which Americans believe more than offset the disadvantages. It awakens and stimulates the interest of the people in public affairs and it is a means of popular education, that is to say, it serves as a training school for citizenship. Subject to proper safe-guards and restrictions it undoubtedly possesses distinct merits but without such restrictions it may lead to unfortunate results.

The Suffrage in England and France.—In England as in the United States the suffrage has been extended from time to time until now it embraces nearly the entire adult population, men and women alike. By an act of Parlia-

ment passed in 1918 the electorate was doubled, some eight million new voters having been added, so that now more than one person in three of the total population is a voter. There is probably no other country in which so large a proportion of the total population has been enfranchised. But it should be remarked that in England the number of public officials elected by the people is much fewer than in America where the judges and many administrative functionaries are popularly elected. There is a difference of opinion as to whether judges and administrative officials should be elected or appointed. Much may be said in favour of each system. Aside from the United States most countries follow the method of appointment and even in the United States the feeling is growing that too many officials are elected by the people and that better results would be obtained by appointment especially in the case of officials who must possess technical qualifications. So many officials are now chosen by the people in the United States that the ballots sometimes contain the names of four or five hundred candidates. Manifestly in such cases it is impossible for the voters to know much if anything about the fitness of many of the candidates and they

are frequently confused and puzzled to know how to cast their votes.

In France also nearly the entire adult male population enjoys the privilege of voting, although as yet the women have only a very limited share in elections. In Germany before the great war the suffrage was much restricted and in consequence of an arrangement by which the voters were grouped into classes according to the amount of taxes they paid, a rich man's vote sometimes counted as much as the vote of a thousand working men. But since the war this inequality has been removed and the privilege of voting extended to the great mass of the people, men and women alike.

The Suffrage in India.—In India the people as yet have only a very limited share in the choosing of their officials but English statesmen in recent years have expressed their desire that this share should be enlarged as rapidly as conditions make it safe and desirable. On August 20, 1917 the Secretary of State for India stated in the House of Commons that "the policy of His Majesty's government is that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the

progressive realization of responsible government in India as an integral part of the British Empire." Mr. Montagu, the Secretary of State for India, and Lord Chelmsford, the Viceroy, in their report on Indian Constitutional Reforms (1918) speaking of this announcement said: "We take these words to be the most momentous utterance ever made in India's chequered history. They pledge the British government in the clearest terms to the adoption of a new policy towards three-hundred millions of people. The policy, so far as Western communities are concerned, is an old and tried one. Englishmen believe in responsible government as the best form of government that they know; and now in response to requests from India they have promised to extend it to India also under the conditions set out in the announcement. We need not dwell on the colossal nature of the enterprise, or on the immense issues of welfare or misery which hang upon its success or failure." The people of India therefore may look forward in the near future to the enjoyment of a larger share in their government than they have formerly enjoyed and this privilege will, no doubt, be extended gradually as they become better quali-

fied through education and experience for the exercise of the high privilege thus promised.

Suffrage in Colonies and Dependencies.—In the colonies and dependencies of most countries where the inhabitants are still in a backward state of civilization, where the degree of illiteracy is large and where the people have had little or no experience in self government the suffrage is of course greatly restricted. This is true in the West Indian colonies of Great Britain and in the American colonies of Hawaii, Porto Rico and the Philippines where ability to read and write or the ownership of property is required of voters Likewise in the southern states of America where there is a large ignorant negro population, an educational qualification is required of voters in order to insure that the electoral privilege shall be confined to those who are intelligent enough to understand the duties and obligations of citizenship. Such requirements are not unjust since with adequate public school facilities it is easily within the power of any person to learn to read and write if he wishes.

General Qualifications for Voting.—Everywhere certain general qualifications are required of all voters. Thus residence for a certain period

in the election district is required and usually the voter must be registered, that is to say, he must get his name on the official list of voters before he may exercise his privilege of voting. Many voters lose their privilege by being absent from their district on election day. To remove this difficulty many of the American states have passed "absent voting" laws by which an elector in such cases may send his ballot by mail to the proper election officer and thus have his vote counted as if he were present at the polls in person. In 1918 the English parliament passed a law introducing this system in England. Formerly in England an elector might vote in every district where he owned property or carried on business and since the electoral period embraced as much as two weeks it was possible for an elector, if he wished, to go around from one district to another and vote in every one where he was qualified. This was known as plural voting. But the feeling that no man should have more than one vote became so strong that in 1918 the system of plural voting was abolished except that a man who has a university degree may cast an additional vote for the candidate for his university.

Method of Voting.—In most countries to-day

voting is by ballot and in some parts of America voting machines have been introduced to facilitate the process of voting. Voting by ballot or machine is necessary in order to insure secrecy and independence of voting. When the voter was required to pronounce by open voice the name of his choice as was once the custom, manifestly he was not always free to vote as he wished since he might be exposed to intimidation or pressure by those upon whom he was dependent. In countries where the number of elective officers is few the size of the ballot is necessarily small and the task of the voter is correspondingly light. In the United States, however, as we have already stated, where the number of elective offices is very large the ballot is not infrequently several feet square in size and sometimes contains the names of several hundred candidates. Under such circumstances the task of the voter is naturally very difficult and since few voters can have any knowledge of the qualifications of so many candidates his choice is often a gamble. Many Americans realize that such a system represents an exaggerated conception of democracy and that the results are frequently unsatisfactory. A movement to introduce the "short ballot" by reducing the number of elective offices has been

started and has already made considerable progress in many parts of America.

Legislation in the Interest of Honest Elections.—In most countries stringent laws have been passed against fraudulent voting and the corrupt use of money in elections. In all of them penalties have been prescribed for bribery, intimidation, false registration, duplicate voting and the like. Generally also, the amount of money which candidates are allowed to spend for election purposes is limited and the purposes for which expenditures may be made are specified. Thus in England and many American states candidates are forbidden to furnish vehicles for conveying voters to the polls or to treat voters by offering them drinks or other objects of value or from making promises of reward for their votes. Everywhere an effort is made to protect the voter against improper influence or pressure and to insure that the election shall be an honest and fair expression of the sentiments of the electorate.

Dangers of Universal Suffrage.—Is it the duty of the citizen upon whom the state has bestowed the privilege of suffrage to go to the polls and cast his vote as it is his duty to obey the laws and pay his taxes? The better opinion is that it is a moral though not a legal duty, that it is one which

the voter ought not to shirk or carelessly perform but not one which he ought to be required by law to discharge. Among the great dangers of popular government, the most serious next to ignorance, is the indifference and apathy of the voters. If popular government is to be a permanent success there must not only be an intelligent but an alert, wide-awake electorate. Under such a system the character of the government is largely in the hands of the voters themselves. If a country is to be governed by wise, efficient and honest officials the voters must see to it that such persons are elected. Every voter should endeavour to inform himself as fully as possible regarding the issues in the election and of the qualifications of the candidates and having done this he should go to the polls and contribute his share to the election of good men and the adoption of wise measures. Only in this way can democracy be made a success and its permanence insured. The citizen who fails to discharge this high duty conscientiously and with an eye single to the public welfare is not worthy of the great privilege which the state has bestowed upon him.

TEST QUESTIONS.

1. Is the suffrage a right or a privilege? Give the reasons for your answer.

2. Name some of the classes of persons who are denied the right to vote. Why are they disfranchised ?

3. Describe the extent of the suffrage in America. In Great Britain.

4. To what extent do the people of India possess the privilege of voting ?

5 Distinguish between direct and indirect voting.

6. What is meant by the referendum ?

7. Do you think an ignorant and illiterate man should be allowed to vote ?

8. Do you think women who possess the necessary moral and intellectual qualifications should be denied the privilege of voting ?

9. Describe the methods of voting.

10. Why should a man be required to register before being allowed to vote ?

11. In what ways does the law seek to protect the suffrage and insure fair and honest elections ?

12. What is the chief danger of universal suffrage and how may the danger be averted ?

CHAPTER VIII.

LIBERTY.

Necessity of Understanding Liberty.—Having in a preceding chapter endeavoured to explain to you what is meant by government and why it is an absolute necessity among civilized people, we shall now have something to say about that often misunderstood thing which we call "liberty"—a thing for which governments are established in part to protect but which at the same time they are necessarily obliged to restrict in the interest of all. It is sometimes said that each of our lives is divided into two spheres: one which belongs to us and within which we are free to do as we like; the other constitutes a domain of authority within which our conduct is subject to regulation by the government. It is important that we should have a correct understanding of the true boundaries of these spheres in order not only that we may as good citizens avoid stepping over the boundaries which separate them and thus escape the punishment which the law imposes for such transgressions, but that we may in the interest of our own rights, protest against the en-

croachment of the government upon the sphere of freedom which the constitution and the laws have reserved for us.

What is Liberty.—It is very difficult to give a definition of liberty. It is said that a thousand attempts to define it have been made by as many different writers, although hardly one of them is satisfactory. The conception of the value and limits of liberty is one which has varied among different peoples and among the same people in different periods. Liberty as it is understood in England and America is very different from that which is recognized in Germany and Russia, at least before the Great War Likewise the conception of liberty which prevailed in England in the sixteenth and seventeenth centuries was a very different thing from that which prevails in England to-day. Of one thing we are sure, however, namely, that the term is now and has always been frequently misunderstood. It has been appealed to many times to justify bloody excesses, crimes of various kinds, resistance to the law and unjustifiable revolution against constituted authority. It has often been confused with license by persons who have believed, or professed to believe, that liberty means the right of the individual to do whatever he wishes without restric-

tion. This is a very dangerous error against which we wish to warn the boys and girls who read this book. There can be no greater misconception of liberty than this Let us emphasize again that liberty is a wholly different thing from license. The only true liberty is that which is created, defined and regulated by law. The so-called liberty of the man in the "state of nature" is not liberty at all, for it is neither defined nor protected by law and there is no governmental machinery for guaranteeing the enjoyment of it. In its last analysis, such liberty is nothing more than the freedom of the week to do what the strong permit them to do. It is only in the state that true liberty exists or oan exist.

Liberty of the Anarchist.—The theory of the anarchists that true liberty can only come through the abolition of the state, the wiping out of all law and the removal of all legal restrictions upon the freedom of the individual is, as we pointed out in a preceding chapter, based on a lamentable misunderstanding of human nature and a totally wrong conception of the purpose of government. If this were done our real freedom would disappear and with it civilization itself.

It is idle to suppose that there can be any such thing as unlimited freedom. If it were allowed

some men would encroach upon the liberty which properly belongs to others, and if the former were physically able to make their will prevail, the freedom of the latter would be destroyed. It is absolutely necessary therefore that the liberty of all of us should be restricted in certain particulars in order to insure that each of us shall enjoy the freedom that is properly ours. We may lay it down as a sound principle that each individual should be allowed to do whatever will not interfere with the equal freedom of others. Everyone should, for example, be permitted to use freely the highways and streets so long as his use of them does not interfere with the equal right of others to use them. He should likewise be permitted to speak, write, worship, engage in business and to do many other things, the doing of which does not injure others or interfere with their right to do the same things. But manifestly the freedom to do these things must be subject to restriction, otherwise the equal freedom of others will be disregarded by some.

Necessity for Restriction.—The only possible way by which one's liberty may be secured and protected is through restrictions imposed on all by the law. It is the same in the family and in the school. No school boy on the playground

can be permitted to do what his own selfish impulses may prompt him to do without violating the just rights of other school children. To insure the enjoyment by each boy of his rights, the freedom of all must be restricted in some degree. Any boy or girl will understand that this is true if they give it a moment's reflection. It should also be remarked that the degree of liberty which the state may allow to its citizens must necessarily vary according to place and circumstances. For example, a man may shout as loud as he pleases or fire a gun in the wilderness but he can not do either in a city without annoying or endangering others. Similarly any group of men may freely assemble in a public park for the purpose of holding a meeting but they cannot be allowed to conduct a procession on a crowded street without interfering with traffic or the right of other persons to use the street. Likewise a degree of liberty in respect to speaking and publishing may be allowed in time of peace which might be dangerous to the national defence in time of war when the very existence of the state may be at stake.

Political and Civil Liberty.—Having made these preliminary general observations on the nature and limits of liberty we may now consider

the forms and degree of liberty actually allowed in practice to-day by countries like England and the United States of America which are among the freest in the world. To begin with, we may distinguish between what is sometimes called political liberty and civil liberty. By political liberty is meant the right of the individual to take part in the affairs of government, such as voting and holding office, a subject which we have discussed in an earlier chapter. By civil liberty we understand the right of the citizen to acquire, own and dispose of property, the right to labour, the right of personal security, freedom of speech and press, freedom of religious worship, the right of assembly and petition, the right to bear arms, and the like. In nearly all countries to-day a very large degree of liberty is allowed the citizen in all these fields and for a long time there has been a steady tendency toward increasing it.

Right of Property.—Everywhere except in Russia where the Bolshevists have gotten in control, established a system of common ownership and abolished the right of inheritance, it is recognised, that the citizen should be allowed a property right in the fruits of his own toil and industry, that is, he should be allowed to possess in his own legal

right whatever he produces by his labor or which he takes from nature and to leave it his children or other heirs at his death This right rests both on sound economic principles and upon considerations of justice. Were the right of private ownership abolished it would mean the destruction of the greatest of all incentives to individual industry, thrift and economy. It would mean that the lazy, shiftless, indolent man would receive from society the same return as the industrious, thrifty and economical laborer would receive. Thus one of the most powerful sources of economic progress would be destroyed and the development of civilization would be greatly retarded. Besides, it is manifestly unjust that the indolent, shiftless and incompetent should receive the same reward as the industrious and efficient receive. Such a system is repugnant to the sense of right and justice which most civilized people cherish.

Liberty of Speech and of Press.—One of the primary rights of the citizen to-day in most countries is the right to express freely his thoughts by oral speech or through the press. He is at liberty to criticise publicly or privately the policies of the government or any act of its officials whenever in his judgment those acts are illegal,

or not for the public good. No government which will not permit its policies or those of its officials to be arranged at the bar of public opinion and temperately criticised can justly claim to be responsible to the people. To deny this right to the citizen would be to repudiate the principle of the responsibility of the government to those for whose welfare it was established.

But this freedom like every other right is not unlimited. If in the course of a speech one maliciously attacks the character of a fellow citizen, he may be prosecuted for slander and compelled by the court to pay damages to the injured party because every citizen has a right to his good name and reputation and no one may unjustly destroy them, any more than he may take his neighbour's watch or other property. Likewise if one falsely and maliciously attacks through the press the character or reputation of another without just reason he may be prosecuted by the injured person for libel and compelled to pay damages and even if the statements published are true that will not necessarily relieve the offender from prosecution because the statements may not have been published with good motive and the language employed may

be so objectionable as to constitute an offence against the community.

Moreover, while in general one may freely criticise by spoken or printed word the government or its officials there are circumstances when this is not allowable. If the attack is seditious in character, that is, if it advocates the violent overthrow or destruction by force of the government, or conspiracy, or assassination of public officials or revolution the offender may be prosecuted on the charge of sedition or conspiracy. In short, the law usually makes a distinction between calm and temperate criticism and attacks of a seditious or revolutionary character. In consequence of attacks of this kind by violent radicals the congress of the United States of America recently passed a law providing for the punishment of persons guilty of such offences; and most other countries have enacted similar laws. But as stated above, in most countries the citizens enjoy a very large liberty of speech and of printing and restrictions on their freedom have been imposed only when it has been necessary to secure the rights of all and to protect the government against attacks designed to undermine the loyalty and patriotism of the good citizens or to bring about its destruction by vio-

lence. This liberty, however, has not always been allowed. In former times the censorship was very common ; that is, newspaper publishers were obliged to submit their articles or editorials to the examination of some government official who had the power to prohibit their publication. Even in Germany, at least before the recent great war, it was unlawful for a newspaper to criticise the Emperor and large numbers of editors were fined or imprisoned for violation of this law.

Religious Liberty.—Another fundamental right which constitutes a part of the liberty of the citizen is the right of religious worship, that is, the right of the citizen not only to believe in any religious creed that he likes but to exercise publicly his profession in the Church or elsewhere. In former times this freedom was not recognized or tolerated in many countries. In some countries Catholics were subject to civil or political disabilities ; in others Protestants were under similar disabilities. Sometimes the right to vote or hold office was limited to the adherents of a particular religious creed. In others the state maintained an established Church for the support of which all were taxed whether they were members of that church or

not. But as time passed the injustice of such discriminations came to be generally recognized and they have been done away with in nearly all countries, so that one may belong to any church he pleases, or none at all if he likes, without being subject to any civil or political disabilities and he may, as stated above, worship privately or publicly according to the forms and rites of the church to which he has attached himself. But this liberty, like freedom of speech and of press, is not absolutely unlimited. No one under the guise of religious worship may indulge in practices that are in violation of morality and decency, or which are contrary to the public order or safety. Thus no one may practice polygamy, offer human sacrifices, or refuse to summon a physician to attend a sick child, on the ground that the teachings of his religion allow such practices. What religious liberty means is the freedom to worship a supernatural Being or God; it does not mean freedom to practice immoral or unlawful acts under the cloak of religious faith. Finally, while religious liberty implies the right of the individual to disbelieve in the doctrines of a particular religious faith and even to criticise them publicly it does not embrace the right to maliciously revile them

with the purpose of undermining the faith of those who believe in those doctrines. Thus in England and America it is the right of any man to deny the divinity of Jesus, but if he should in a public address maliciously denounce the Saviour as a fraud and an imposter he might be prosecuted under the common law for blasphemy.

Right of Assembly and of Petition.—The right of assembly and of petition has always been regarded, at least among English speaking peoples, as one of their fundamental liberties. This means the right of the citizens to assemble freely in public places for the purpose of discussing political or other questions of common interest, for formulating their views and for addressing petitions to the government asking for a redress of any grievances which they may have. In America and England this right is considered to be one of the natural and indispensable results of democratic responsible government and there are few restrictions upon its exercise. On any Sunday afternoon in Hyde Park, London, one may see groups of citizens, representing almost all views from those of anarchists to anti-vivisectionists gathered here and there listening to harangues by orators and agitators of many

kinds while the police move about rarely ever interfering with them. Assemblies of this kind constitute a sort of safety valve through which every shade of opinion may be expressed and so long as the utterances are not seditious or dangerous to society they are unobjectionable. But what was said above in regard to liberty of speech, press, and religious worship may be equally said of the right of assembly, namely that the right is not unlimited. Manifestly it does not mean the right to assemble anywhere or under all circumstances. It cannot mean, for example, the right to assemble on the public square of a town or on a crowded street when it would result in interference with traffic or the proper use of the street by other citizens and it is hardly necessary to say that the law distinguishes between peaceable and riotous assemblies, the latter of which is not allowable. Likewise the law also distinguishes between an assembly whose purpose is to petition for a redress of grievances and one whose purpose is to organize plans for the violent overthrow of the government.

Guarantees and Safeguards for the Protection of Liberty.—The above are some of the more fundamental rights which constitute the

greater part of the domain of liberty; they do not, however, by any means embrace all of our rights. Many of them we have not mentioned at all since to catalogue them would require more space than is available in this little book. There is one other aspect of the matter to which we should like to call your attention, namely, the safeguards and guarantees that have been provided to insure the enjoyment by us of the liberties which we have described. In the United States and England, unlike many other countries, they have been created for the most part by the constitution, and in the United States in particular they cannot be abridged or destroyed by act of the legislature. In every American constitution there is a "declaration of rights" which contains as enumeration of the liberties which belong to the individual. The legislature therefore has no power to deprive a citizen of one of these rights, and if it should attempt to do so any citizen who is affected thereby may go into court and have the law declared invalid. In England most of the rights which we have discussed in this chapter are recognized and guaranteed in such great constitutional acts such as *Magna Charta*, the Bill of Rights, the Petition of Right, the Habeas Corpus Act, and others

and while parliament might modify or abridge them there is no likelihood that it will do so. In these two countries, therefore, the degree of liberty allowed the citizen is not only larger but it is better safeguarded and protected than in most other countries.

TEST QUESTIONS.

1. Why is it important that we should have sound and correct notions regarding the nature of liberty ?

2. How has the conception of liberty varied at different times and among different peoples ?

3. How has the term been misunderstood and abused ?

4. Distinguish between liberty and license.

5. Show how liberty is a creation of the law.

6. Why is it necessary to place restrictions upon our freedom ?

7. What are the views of anarchists regarding liberty ? What is wrong with their ideas of liberty ?

8. Distinguish between political and civil liberty.

9. What is meant by the right of property ? Why should this right be recognized and protected ?

10. What is meant by liberty of speech and of press ? What are the limitations on this liberty ? right of assembly and petition ?

11. What does religious liberty include ? What are some of its limitations ?

12. In what way does the constitution seek to guarantee and protect liberty ?

CHAPTER IX.

THE GOVERNMENT OF THE BRITISH EMPIRE.

The British Constitution.—Having in an earlier chapter explained to you the principal forms of government we now purpose to describe in more detail the systems prevailing in several of the principal countries of the world. We shall begin with the government of the great Empire of which you are citizens.

As you know, the constitution of Great Britain is the oldest in the world. It differs from the constitutions of most other countries in that it was not "struck off" at one time, that is to say, it was not framed on a particular date by a special body of representatives (a convention or a constituent assembly) chosen for the purpose, as the constitutions of France, the United States and Germany were. Nor was it promulgated by a king as was the constitution of Italy and some of the German state-constitutions during the last

century. It is the result of centuries of slow and gradual development and evolution. It has therefore no definite starting point ; it is not the product of conscious deliberation as other constitutions were. Its provisions have never been gathered together and embodied in a single document like the American constitution. They consist partly of great Acts of parliament like Magna Charta, the Habeas Corpus Act, the Petition of Right and partly of customs, understandings, practices and the like. It is not correct, therefore to say, as is sometimes said, that the British constitution is unwritten ; in fact a large part of it is written and may be found in the Acts of parliament referred to above. Another large part, the part consisting of custom is of course unwritten. Many of the most important powers of the British government as well as the relations between the great departments are regulated wholly by custom and usage. This fact differentiates the British constitution from all others and puts it in a class by itself.

The British Constitution Compared with the American Constitution.—The outstanding feature of the British constitutional system is the supremacy of the parliament. Parliament may add to, alter or repeal any provision of the con-

stitution in its discretion and may do so with the same ease and formality with which it may alter or repeal an ordinary act of parliament. In this respect it is unlike the American constitutions as well as those of most other countries. In America the congress or legislature has no power to alter the constitution. That can be done only by a special body elected for the purpose and which is known as a constitutional convention, or by a proposal of the legislature followed by a vote of approval by the people. In America therefore the constitution is superior to a law passed by the legislature. An act of the legislature must not be contrary to the constitution; if it is, the supreme court will declare the law to be invalid and of no effect, a power which no English court possesses. Each of these two types of constitutions, as we have said, in a previous chapter, has its merits and demerits. Since the English constitution may be altered at any time by the parliament in the same way and with the same ease that an act of parliament may be changed, it possesses the merit of flexibility which makes it possible to introduce changes readily and quickly whenever changing conditions make alterations desirable. The American constitutions, owing to the difficulty with which

they may be altered naturally lack this merit, but on the other hand the difficulty of amendment tends to preserve the constitution against hasty and possibly undesirable changes which popular clamour of the moment may demand. There is also some advantage in having the provisions of the constitution reduced to written form and embodied in a definite document, since there will be less likelihood of misunderstanding regarding their meaning. On the whole, it would be difficult to say which of the two types of constitutions is the better; perhaps no single type of constitution is the best for all people under all circumstances; the English constitution is doubtless the best for the English people and the American type is the best for the American people.

The Crown.—As you know, the British system of government is in form a constitutional monarchy. From the earliest times kings have reigned in England and the Crown is the oldest part, as it has been in a sense the capstone, of the English system. The early Saxon kings were chosen by the Witan or Witanagemot, as the assembly of the influential men of the kingdom was called. Usually the king's eldest son was chosen to succeed him but in those turbulent

times it was highly desirable that the king should possess the qualifications of a warrior and if the eldest son of the late king did not give promise of being such a leader he was sometimes passed over by the Witan in favor of some other son or even a brother. Thus in 1871 the minor children of Ethelred I were passed over in favor of Alfred the younger brother of the late king, for the reason that the latter gave greater promise of measuring up to the standards of leadership then expected of kings. Again in 1066 the Witan passed over Edgar, the hereditary heir, as well as the other members of the royal family and elected Harold to the kingship. After the Norman Conquest the kingship continued to be elective, preference being given ordinarily to members of the royal family and to the eldest son of the late king. As time passed, however, the principle of election receded into the background and the rule of hereditary succession became dominant. Nevertheless, the right of parliament to regulate the succession and even to depose an unworthy king was and is now a firmly established constitutional principle. Thus in 1327 parliament deposed King Edward II and elected his successor. Again in 1399 parliament deposed Richard II and chose Henry

IV to succeed him. Following the Revolution of 1688 after King James II had fled from the kingdom, parliament declared the throne vacant and settled the succession on William and Mary. Finally in 1700-01 parliament passed the Act of Settlement regulating definitely the succession and under this act George V reigns as king to-day. It is clear from this summary that although the succession to the crown of England is hereditary the king really derives the right to his crown from parliament. For this reason it is often said that the English monarchy is elective.

According to the law of succession now in force the eldest son of the late king succeeds, that is to say, the succession is in the male branch of the royal family and follows the rule of primogeniture. But women are also eligible to the throne although males have the preference. Thus if the eldest chief of the late king is a woman the crown will pass over her to one of her brothers. But if there are no male heirs the crown passes to a female if there is one. As you know, some of the greatest sovereigns of England have been women and you will easily recall the names of Queen Elizabeth, Queen Anne and Queen Victoria. As the law now

stands, no Roman Catholic is eligible and if the king or queen should become converted to that faith he or she would by that act forfeit his or her right to continue on the throne. At the coronation the king takes an oath that he will govern according to the law, and that he will cause justice with mercy to be administered. According to a well established constitutional principle the person of the king is inviolable, that is, he cannot be arrested, or molested by any official, or restrained or interfered within any way. He is not subject therefore to the law nor is he answerable to the jurisdiction of any court. Again he is irresponsible and as the saying goes he can commit no wrong. By this is meant that under the system of cabinet or parliamentary government which exists in England the king acts through ministers who themselves assume the responsibility for his official acts. His official acts according to legal theory are not his own but those of his ministers and they must bear the responsibility for them. It has been said that there is not a moment in his life when some one is not responsible for his official acts.

The Powers of the Crown.—In the beginning, virtually all authority belonged to the king, though from the first there was a council of one

The Parliament.—As we have already stated, all governmental authority in the beginning belonged to the king. He not only exercised the executive power but also made the laws. But in the course of time as we have said, there came into existence the parliament which took away from the king nearly all his legislative powers. The history of the rise of parliament the oldest existing legislative body in the world, the "mother of Parliaments," as it is sometimes called, is a long and interesting one the details of which we cannot narrate here. Before the end of the thirteenth century it had come to possess all the essential elements of which it is now composed. At first it was made up chiefly of the representatives of the nobility but you will recall that Simon de Montfort in the thirteenth century summoned representatives of the counties and boroughs to sit with the representatives of the nobility so that the parliament was then composed of men who represented both of the elements of the population, that is, the nobility and the commons. Soon afterwards they adopted the practice of sitting in separate chambers, one of which came to be known as the House of Commons and the other the House of Lords.

The House of Commons.—The House of

Commons, the larger and more powerful of the two chambers, is now composed of 707 members elected for a term of five years by what amounts almost to universal suffrage. Before 1918 women were not permitted to vote for members of the House of Commons but by an act of parliament passed in that year they were made voters and at the parliamentary elections in November 1919 a woman (Lady Astor) was elected to a seat in the House. The members are apportioned among England, Scotland, Wales and Ireland, 492 of whom are elected from England. Unlike the practice of the United States and France the overseas portions of the Empire do not send representatives to the parliament at Westminister. The members are chosen, one from each district (counties and boroughs) and now most of the universities are allowed to elect one or two members. Thus a graduate of a university may not only vote for the member of the district in which he actually resides but he may also vote for the representative of the university from which he holds his degree.

The House of Lords.—The upper chamber, as it is popularly called, is known as the House of Lords. It is the older of the two houses and as we have stated, the parliament in the beginning,

was made up exclusively of the representatives of the nobility. At the present time it is composed of something over 600 members. Unlike the members of the House of Commons the members of the House of Lords are not elected by the people. It is composed of: (1) the princes of the royal family; (2) of a large body of hereditary peers; (3) of a few life peers (the law-lords) appointed by the king but who do not transmit their titles to their eldest sons as do the hereditary peers; (4) of a certain number of Scotch and Irish peers who are chosen by the whole body of Scotch and Irish peers to represent them in the House of Lords; (5) and the spiritual peers—the archbishops of York and Canterbury and 24 bishops. It will thus be seen that membership in the House of Lords rests on three foundations: (1) of right; (2) on appointment and (3) on election.

Reform of the House of Lords.—It was not unnatural that a legislative chamber thus composed should have given rise to some complaint in the course of the progress of democratic ideas and in time there grew up a considerable sentiment in favour of reforming it along more democratic lines. It was complained that the House of Lords did not represent the interests

of the people but rather those of the aristocracy and the nobility; that it often stood in the way of the enactment of legislation which the commons wished to pass; and that since peerages were usually conferred as honors it often happened that those upon whom such honors were conferred or descended were not necessarily qualified as legislators. It was urged, therefore, that a larger and more representative element should be introduced into the House, that the possession of a peerage should not necessarily confer a right to sit in the House and that the peers should choose from their body a smaller select number of members to perform legislative duties. Some of the complaints against the House were no doubt well founded and many of the Lords themselves were quite willing that their chamber should be reformed along the lines indicated above. The matter of reform was discussed from time to time without definite result. The growing breach between the two houses reached a crisis in 1909 when the House of Lords rejected a finance bill proposed by the cabinet, whereupon the House of Commons decided upon the rather drastic remedy of taking away from the House of Lords its power to reject important bills, and especially money bills, passed by the

former House. Accordingly by the famous parliament act of 1911 it was provided that money bills passed by the House of Commons and approved by the Crown should under certain conditions become law notwithstanding their rejection by the House of Lords.) Likewise other public bills might become law, if passed by the House of Commons in three successive sessions, without the assent of the House of Lords. The effect of this far-reaching Act was to deprive the House of Lords of its power to reject important bills which the House of Commons insists on enacting. The House of Lords still retains however, power to reject other bills and it may propose amendments to all bills and in case there is reason to believe that its attitude is more in accord with the opinion of the country, it may induce the House of Commons to alter the bill which it insists on passing over the opposition of the Lords or even to abandon it altogether. It is a mistake, therefore, to suppose that the legislative power of the House of Lords has been destroyed. It may still exercise an important influence on legislation, even if it is powerless to block the measures of the other House. It may also be remarked that the House of Lords still retains intact its non-legislative powers,

such as its power as the Supreme Court of the Empire.

The Cabinet.—We have several times spoken of the Cabinet which we must now describe for you. This is a small body of picked men from the two Houses of parliament upon whom the actual responsibility for carrying on the government devolves. For this reason it is often spoken of as "the government." It came into existence several centuries ago and has developed by a long process of evolution into its present form. Actually it originated through a splitting off process from the council of the early kings. It is composed ordinarily of some 20 or more men who are members of one or the other Houses of parliament (though it is not absolutely necessary that they should be members of parliament and during the late war there were several members of the cabinet who did not hold seats in either House). They are nearly always members of the political party which has a majority in the House of Commons and they are the recognized leaders of their party in parliament. At the head of the cabinet is the prime minister who is chosen by the king. Theoretically the king is free to choose anyone for prime minister but actually he must choose the recognized leader of

the party in control of the House of Commons. The prime minister chooses his colleagues, usually from both houses and his appointees are then confirmed by the king. Upon this remarkable body devolves, as we have said, the heavy task and the important responsibility for governing the Empire.

Powers of the Cabinet.—First of all, they determine the policies which the government shall follow; they decide upon the laws they want passed, prepare, introduce and steer through parliament bills embodying the measures which they have decided upon; they determine the amount and kinds of taxes to be levied; the amount of money which the government needs and the purposes for which it shall be spent and when the laws they have prepared have been passed and the money they have requested has been granted they see that those laws are enforced and the money spent for the purposes for which they have requested it. Thus you will see that under this system legislative and executive functions are not kept strictly separate as they are in the United States and some other countries. That is to say, in England the cabinet prepares, initiates and puts through parliament all important legislation and then sees to its en-

forcement when it has once been enacted. In short, the cabinet is really both lawmaking and law enforcing authority.) This has come to be more and more true with the growth in the membership of the House of Commons. To-day the House is really too large and cumbersome for effective legislation, and so it has to a large degree delegated its power to the smaller picked body, namely the ministers. But it is important to remember that while parliament delegates these vast powers to the cabinet it exercises strict supervision and control over its policies and conduct. It is as if the House of Commons should say to the ministers: "Gentlemen, we are too numerous and unwieldy in size to legislate and govern; we have therefore selected you as our leaders and spokesmen; we have chosen you because we have confidence in you; go ahead and tell us how much money you need to carry on the government and for what purposes you propose to use it; and we will pass your laws and appropriate the money which you demand, provided we think the laws demanded are wise and the money you request is necessary. But we wish you to understand that we shall watch over your conduct; if we think the laws which you ask us to pass are unwise we shall refuse to pass

them; if we believe the sums of money you demand are unnecessary we shall refuse to grant them; we shall criticise and warn you and if your policies do not meet our approval we shall censure you or condemn you."

Resignation of the Ministers.—In the latter case the ministers having lost the confidence of the House of Commons it will resign and make way for another cabinet which represents the will of the majority. Their resignation is necessary under the cabinet system of government, for mainfestly it would be impossible for them to govern without the confidence and support of a majority of the House. But the ministers may have reason to believe that their own policies are more in harmony with the will of the electorate and that the attitude of the House is not approved by the country. In that case the cabinet will ask the king to dissolve the House of Commons and order a new election. During the election campaign which follows the ministers defend their policy before the voters who must decide the issue thus submitted to them. If they approve the policies and conduct of the cabinet by re-electing a House the majority of which is in sympathy with the cabinet it refuses to resign and continues to

govern the country. On the other hand, if the voters elect a house the majority of whose members are opposed to the policy of the cabinet the latter must resign and a new cabinet representing the new majority comes into power. The great merit of this system is that it provides a means of appealing to the country in case of an important conflict between the House of Commons and the Cabinet ; in such a case it is for the electorate to decide whether the policy of the cabinet or that of the House shall be carried out. The English often call this "responsible" government and such it is, for it means that the cabinet is not only immediately responsible to the House of Commons for its political policies but that it is also responsible to the electorate, and the system of dissolution followed by new elections affords an effective means of enforcing this responsibility.

Local Government in England.—It is quite impossible within the limits of this little book to describe in detail the English system of government. We have already told you something of the judiciary in the chapter dealing with the administration of justice. It now remains to say a few words regarding local government in England. You can readily understand that a

country of more than 40,000,000 people cannot be governed entirely from one centre. Parliament passes laws for the United Kingdom and indeed for the whole Empire and the cabinet governs the whole country in matters of general interest, but many matters of local interest must be left to the counties, cities, towns, parishes and other local territorial and administrative units. To insure however, that the local authorities will not abuse the powers given to them or adopt policies which would be inimical to the general interests of the country, the central government exercises over them a certain supervision and control. This supervision and control is exercised mainly by the Home Office, the Local Government Board, the Board of Trade and the Board of Education, all having their seat at London and at the head of each of which is a member of the cabinet. Thus the Home office inspects the local police systems and grants certificates of efficiency, which entitle the local governments to certain sums of money from the national treasury for the support of their police establishments. Likewise, the approval of the Board of Trade is necessary to the validity of franchises granted to utility companies to furnish the inhabitants with water, gas, electric

light, etc. So the Board of Education directs and supervises education in the elementary schools. Subject to this supervision and control by the central government the local authorities have a very large degree of freedom in the managment of their own local affairs. England, as you know, is divided into counties (there are actually 62) each of which has a council composed of councillors elected by the people and of aldermen chosen by the council. The council has control of many matters of local government such as highways, public health, pure food, local finance, etc. There are also in each county a county court, a number of justices of the peace, a clerk, a medical officer, a surveyor, an engineer and other officers, chosen by the council.

Municipal Government.—Below the country there are other local government units. Thus there are the county boroughs, that is, the more populous towns which for governmental purposes are treated as separate counties; then there are the municipal boroughs, that is, towns to which charters of incorporation have been granted; urban and rural districts, parishes, poor law unions, etc. Most of these territorial units, like the county, have their councils which

are the principal governing authorities. To each of them is entrusted the care of a number of matters of local government such as roads, health, education; finance, etc. There are as you know a large number of towns and cities in England—they are generally called municipal boroughs Unlike counties and other local areas they have charters of incorporation which give them certain rights and powers of local self government. In all of them there is a municipal council the composition and mode of election of which are similar to those of the county council described above. These councils enact local byelaws on a great variety of matters, determine the policies of the town or city, control the local finance and choose most of the local officers. The chief executive officer of the town is the mayor (in a few cities he is called the Lord Mayor) who is elected by the council, usually from among its own members. He presides over the meetings of the council and is the representative of the city on all ceremonial occasions. Unlike the American mayor he has little actual power of government, such as the power to veto the measures of the council, to appoint officers, grant pardons, etc. But the office is one of dignity and influence and is usu-

ally held by a prominent citizen of the community. He receives no salary and as the office entails considerable expense to the incumbent the choice usually falls upon some man of means and leisure. Another important officer is the town clerk. He is generally a lawyer and a person of training and experience and is usually re-elected from time to time, so that not infrequently he is kept in office for many years. In England the municipal service is regarded as a career, ordinarily only men of special training and fitness are chosen to fill municipal posts, appointments are virtually permanent and there is little party politics in the service. On the whole the municipal service of England is most efficient, corruption and waste are rare and the towns and cities are well and honestly governed.

TEST QUESTIONS.

1. Describe the chief characteristics of the British constitution. What was its origin? How does it differ from other constitutions?

2. How may the constitution of England be amended?

3. What are some of the chief merits of the British constitution?

4. Describe the origin of the kingship. How were the early kings chosen? What was the determining consideration in the choice of the king? From what authority does the king hold his crown to-day?

5. What are the actual powers of the king? What is the "royal prerogative?" What has become of his ancient powers? What is the value of the crown in the English system of govern ment?

6. Describe the composition of the House of Commons. How and by whom are the members chosen? What are the powers of the House of Commons?

7. Describe the composition of the House of Lords What are the several classes of members? How has it been proposed to reform the House? How were its powers reduced by the Parliament Act of 1911?

8. What is the cabinet? How did it originate? What is its composition and mode of selection?

9. Describe the role of the cabinet in the English system of government. What is its relation to the Crown? To the parliament?

10. How is the control of parliament over the cabinet exercised? When and for what purpose may the House of Commons be dissolved?

11. What are the areas of local government in England? What are the powers of the local authorities? To what extent are they subject to central control?

12. Describe the system of municipal government in England. What are some of its chief merits?

CHAPTER X

THE GOVERNMENT OF THE UNITED STATES.

The American Union.—It is manifestly not possible in this little book to tell you about the governments of all the different countries of the world. We have already discussed in a general way the principal forms that have been adopted by the more important countries and have explained in some detail the system of Great Britain and the British colonies. There is one other country whose government should be of more than ordinary interest to students not because it is better than the governments of other countries, but because it is the best example of the government of a great democratic Republic. We refer to the government of the United States of America.

The United States, as you know, is a federal republic, not very different in character from the Canadian and Australian federations which

we have already described. At first composed of thirteen states it has grown to be a vast Empire of forty-eight states together with a number of territorial and colonial possessions beyond the seas. Its area embraces many millions of square miles with a population of more than one hundred million people. It is a country of vast natural resources and of immense wealth. The population has been recruited partly by natural increase and partly by immigration from many countries, so that the American people are a mixture of many different races.

When we say that the American union is a federal republic you will understand that it is one in which the powers of government are divided and distributed between the national government, on the one hand, and the different states which compose the union on the other. The national constitution confers on the central government such powers as are of common concern to the people of the whole country. These powers include such matters as the conduct of foreign affairs, declaring war and making peace, the coinage of money, the postal service, the granting of copyrights, patents and the like. Certain other powers which it was believed should not be exercised by either the national

or state governments are expressly prohibited to both by the constitution. All others are left to the states. It thus happens that the national government is an authority of "delegated" powers, while the states have what are called "reserved" or "residuary" powers. You might expect that in a system of government like this where there is a partition of powers between two authorities there would be frequent conflicts of jurisdiction and even collisions and there have been some in the past, but with the passing of time the spheres of jurisdiction which the constitution marks out for both authorities have become so well settled that conflicts of authority have become rare and indeed almost impossible. Whenever such conflicts arise the national Supreme Court is called on to decide the question at issue and when its decision has been rendered it is final and is accepted as such by all concerned.

The Constitution.—The United States, as we have told you in another chapter, has a written constitution which dates from the year 1789. It was framed by a convention made up of delegates representing the several states and which met at Philadelphia in the year 1787. When the draft of the constitution had been adopted

by the convention it was submitted to conventions in the several states and was ratified by all of them, after which it was put into effect. The constitution may be amended in two ways: first, by a national convention, and second by resolution of Congress (two thirds of the members concurring) which resolution must then be ratified by conventions or legislatures in three-fourths of the states. From this you will see that it is a very difficult constitution to change and it was deliberately made so, because it was the belief of the Americans that a constitution should be the fundamental law of the land and that it ought not to be made so easy to alter that it could be changed at every whim of the legislature or upon the demand of temporary opinion. With the passing of time many Americans have come to believe that the mode of amendment provided in 1789 is now too rigid and that an easier and quicker method would be better. But notwithstanding the difficulty of amendment it has in fact been amended a number of times, notably at the close of the Civil War and very recently four important amendments have been adopted. It may be doubted therefore whether what has sometimes been called its inelasticity has

really proved an obstacle to constitutional progress.

The constitution of the United States unlike that of Great Britain is, as we have said in another chapter, a written instrument although it has of course developed and expanded through judicial interpretation, through the operation of custom and political practice and even through legislation. Although a very brief document its scope and meaning therefore are not to be found in the lines of the written instrument. Unlike the constitutions of Great Britain and France it is largely an instrument of limitations and prohibitions, that is to say, it contains many provisions which expressly prohibit the Congress from passing certain kinds of laws, and other provisions which prohibit the States from exercising certain powers. The first ten amendments to the constitution constitute a sort of bill of rights, since they prohibit the Congress from passing laws restricting the freedom of religion, assembly, press and the like. Since the constitution enumerates the powers of the Congress and the President it is sometimes also called an instrument of grants.

In the United States, unlike most other coun-

tries if the legislature passes a law which is contrary to the constitution the Supreme Court has the power to declare the law null and void and to refuse to apply it. In this way the legislature is compelled to respect the limitations which the constitution sets to its authority, and in case it disregards them its acts are illegal and of no force. Thus the constitution is what it purports to be, namely the paramount law, and every act of the national and state legislatures as well as every state constitution must conform to its provisions. This is a very great power to put into the hands of a court but the Americans believe that it is the best means of insuring the scrupulous observance of the constitution by the legislature. To allow the legislature to violate the constitution at its will tends to reduce the constitution to the level of a statute.

The Congress of the United States.—The legislative body of the United States is called the Congress. It is composed of two Houses, the Senate and the House of Representatives. The Senate is made up of two members from each of the 48 states. Formerly they were chosen by the state legislatures but in 1909 the constitution was amended so as to provide that they should be elected by the people, as the

members of the House of Representatives have always been elected. As long as the Senators were chosen by the state legislatures there was a belief that they did not feel keenly their responsibility to the people and that they were too largely the representatives of the special interests and particularly those of wealth. Being elected by small bodies candidates for the Senate, moreover, were sometimes able through bribery or other improper interests to procure an election when they could not have obtained seats under a system of popular election. Finally, as the state legislatures by whom they were elected are composed of two houses it frequently happened that deadlocks occurred, no candidates were elected and the state was left without representation in the upper House at Washington. For these and other reasons the constitution was amended, as we have said, and the senators made elective by the people.

The House of Representatives is a much larger chamber than the Senate being composed at present of 435 members. They are apportioned among the several states according to population. Thus while New York state with several hundred times as many inhabitants as Nevada has the same number of senators (two),

it has forty-five representatives, whereas Nevada has but one. In short, while the principle of equality of representation in the Senate prevails the House of Representatives is organized on the principle of proportional representation. Senators are elected for a term of six years whereas representatives are chosen for two years.

The two houses have substantially equal powers in respect to legislation, except that bills for raising revenue must originate in the House of Representatives. The Senate, however, possesses a few special functions which the lower House does not have. Thus all appointments of public officers made by the President must be approved by the Senate. Likewise all treatise negotiated by the President must be laid before the Senate for its consideration and they must be ratified by a vote of two-thirds of all the senators before going into effect. The Senate may therefore reject a treaty as it did in 1920 in the case of the treaty of peace with Germany, or it may amend the treaty in any particulars that it may see fit. Finally the Senate sits as a court of impeachment for the trial of public officials for high crimes and misdemeanors, preferred by the House of Representatives.

The President.—The executive power is vested by the constitution in a President who is indirectly elected by the people of the United States for a term of four years. Candidates for this high office are nominated by their respective political parties in a great national convention composed of party delegates from each state in the union. Each party convention is made up of about 1,000 delegates; it meets usually at some centrally located city ordinarily in the month of June. After the candidates have been thus nominated a great political campaign follows which lasts some five months. Throughout the campaign there is a flood of speechmaking, of advertising and of appeals of every kind to the voters. In fact the electors do not vote directly for the President but for middle men called "Presidential electors" who meet in their respective state capitals in January following the popular election in November and elect the President. But inasmuch as the electors merely register the results of the popular election the President is in fact chosen by the people. The new President is formally inaugurated at Washington on March 4 following the election. The occasion is one marked by much display and pageantry and a vast

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throng of visitors from every part of the country flocks to Washington to witness the spectacle. At the time of the inauguration the President takes a solemn oath to defend and support the constitution after which he delivers a short inaugural address in which he sometimes indicates the policy he expects to adopt in respect to the more important questions of the day. The powers and duties of the President are very great and unlike the King of England and the President of France he exercises and performs them personally. He is therefore the actual and not merely the nominal executive. He carries on the foreign affairs of the country, negotiates treaties and appoints and receives diplomatic representatives. In connection with legislation he is empowered to recommend the enactment of such laws as he believes to be desirable and if he is a popular and influential personage and if his own party is in control of Congress his recommendations carry great weight. His approval is necessary to the validity to all acts passed by Congress although his veto may be overridden by a two-thirds vote of the two Houses. Unlike the Crown in England he has no power to dissolve either House of Congress,

nor can he adjourn their sessions except in cases where the two Houses cannot agree upon a time for adjournment. He may call extraordinary sessions of Congress whenever in his judgment emergencies exist which require immediate legislation and this power has been frequently exercised by Presidents. Unlike the executives of most European countries the President has no inherent power to enact subsidiary legislation under the form of ordinances or such as the statutory orders in council in England though he is sometimes authorized by Congress to issue orders and regulations which have the force of law. The President is of course, charged with the execution of the laws and this is his most important duty. For this purpose he is given a vast power of appointment and removal. In fact he appoints practically all important federal officials and may remove any of them except the judges of the courts, for any reason which may seem to him sufficient. The great mass of subordinate employees are now under the civil service system and are chosen as the Civil Servants of India are chosen, that is, upon competitive examination and they are protected against removal for political reasons. Unfortunately the higher

officials are not thus protected and when a new President is elected it is the practice for him to make "a clean sweep" of those in office, if they are members of the opposition party, and to appoint new officials who are members of his own party. This is known as the "Spoils system," a system which has long existed in the United States and one which has done so much to debauch and corrupt the government service. Another prerogative of the President is his power to grant pardons to persons who are charged with having committed crimes in violation of the laws of the United States. He cannot of course pardon offenders against state laws. Pardons in such cases may only be granted by the governors of the states. The pardoning power of the President is quite absolute, since he may grant pardons for any offences except for crimes committed by public officials and who have been convicted by the Senate sitting as a high court of impeachment, and he may even grant the pardon before the offender has been tried and convicted.

Such are the powers of the President as the civil executive of the country. He is also the military executive. The constitution makes him the commander-in-chief of the army, the

navy and the state militia, when the latter has been called into the service of the United States. As Commander-in-chief he may take personal command of the army and direct its operations in the field if he chooses though in fact he never does so, since he is usually a civilian and not a soldier and since his taking personal command would render it difficult if not impossible for him to discharge his numerous and important civil functions. The constitution puts into the hands of Congress the power to provide the military and naval forces, to equip and maintain them and provide the rules for their government but when Congress has once declared war it belongs to the President to direct how the operations shall be conducted, where the troops and fleets shall be sent, and to take possession and govern enemy territory when it has been seized by the invading armies In time of war the President's powers as military executive are very great; indeed he becomes almost a dictator as President Lincoln did during the Civil War and as President Wilson did during the recent world war.

The President's Cabinet.—It is of course im

possible that the President should himself perform all the vast executive duties which the constitution devolves upon him. He therefore exercises them through the heads of the ten great executive departments, the departments of state, war, navy, treasury, etc. Early in the history of the country the President adopted the practice of calling the heads of the departments into consultation and they came to be known as the "Cabinet." The Cabinet therefore rests entirely on custom and practice since the constitution contains no provision in regard to a Cabinet; indeed the name is not even mentioned in the constitution or in the laws. The President himself chooses the members. Unlike the members of the English and French cabinets they are not responsible for their political acts or policies to either House of Congress and are not obliged to resign when they are censured by Congress or when they lose its confidence. Their responsibility is to the President alone and so long as they have his confidence they continue to hold office regardless of the views of Congress. If they commit high crimes while in office they may be impeached by the House of Representatives and removed from office by the Senate

sitting as a court of impeachment, but as stated above, they are not responsible to Congress for their political acts and policies. They are subject to the direction of the President; he may order a member of the Cabinet to do this or that and in case the Cabinet officer refuses to obey the command, the President may remove him from office. You will see from this description how very different from the English Cabinet the American Cabinet is. In America responsible government in the English sense of the term is quite lacking; this system we have described in another chapter as "Presidential" government as contra-distinguished from Cabinet or parliamentary government. In the United States the President is responsible for his political policies and conduct only to the people and since he is elected for a term of four years and can be removed only by impeachment, and then only for crimes, his political responsibility is not as effective as in England where the parliament can turn out the Cabinet, which is the real executive of the country whenever its policies are no longer approved by the parliament.

The Judicial System.—In the United States there are two separate and distinct systems of

courts; one to exercise the judicial power of the United States, the other to exercise that of the states. The federal courts, as the national courts are called, are arranged in the form of a hierarchy beginning with the district courts (of which there are now more than eighty) and ending with the Supreme Court at Washington. The federal courts have jurisdiction of cases arising under the federal constitution of laws and treaties, cases in which the United States is a party, cases between two or more states, between citizens of different states and a few others. All other cases are tried in the state courts. But any citizen who is sued in a state court and who claims a right of immunity under the constitution or laws of the United States may appeal from the decision of the state court if it is against him, to the federal Supreme court at Washington, and many such cases are in fact appealed. As we have already told you, American courts have the right to refuse to apply a law which is contrary to the constitution and to treat it as null and void. Thus any citizen who thinks he has been deprived by a state law or a federal law of some right which the federal constitution gives him, may go up to the Supreme court at

Washington and have the constitutionality of the law finally determined. If it is found to be in contravention of the federal constitution the Supreme court will so declare and the law is treated as a dead letter. In this way the constitution of the United States is made to be what it purports to be, namely, the supreme law of the land.

The States.—As we have already told you the American union is composed of 48 states. The federal constitution divides the powers of government between the nation and the states giving to the former a few powers of general interest to the people of the whole country, leaving all others with some exceptions to the states. The powers of the states are therefore residuary and they include the great mass of matters that are of most immediate concern to the people. They are so numerous that it would be impossible to catalogue them. It is sufficient to say that they embrace such matters as the punishment of crime (except crimes against the federal laws), the enactment of civil and commercial law, education, religious worship, assembly, printing, contracts, business, trade, labor, marriage and divorce, and many other matters. The powers of the state gov-

ernment seem less important than those of the national government largely because they are not enumerated in the constitution but in reality they are far more numerous and important because they embrace the vast mass of governmental matters which affect directly the people. One rarely sees a federal official in America or comes directly into relation with the national government, but he sees state officials at every turn and is affected by state authority every day of his life.

Under the federal constitution the states have certain rights as members of the union and of which they cannot be deprived by the national government. Thus the constitution makes it the duty of the national government to guarantee to each state a republican form of government and to protect it against invasion and domestic violence. Each state is guaranteed two senators in the national Congress and of this they cannot be deprived without their consent, not even by an amendment of the constitution. Likewise their territorial integrity is guaranteed by the provision of the constitution which forbids the organization of new states within the jurisdiction of other states or by the union of two or more states without their consent.

Finally, they cannot be deprived of the autonomy which belongs to them under the constitution for if Congress or the President should attempt to encroach upon the sphere thus reserved to them the Supreme court of the United States would declare such acts to be unconstitutional and they could not be enforced.

As the states enjoy certain rights and privileges as members of the union so they owe it certain duties and obligations. They have no right to withdraw from the union as some of them attempted to do in 1861, they cannot keep standing armies or navies, or declare war, or enter into treaties with foreign countries or do other things which they are forbidden by the constitution to do. They are bound to treat the citizens of other states as they treat their own, to recognize the judicial decisions of other states and give effect to them, to surrender criminals who have escaped from other states and taken refuge within their jurisdiction, and perform various other obligations which the federal constitution imposes upon them as members of the union.

The State Governments.—Subject to the provision of the federal constitution which require each state to maintain a republican form of gov-

ernment each is at liberty to establish any system of government it pleases. Each state has its own constitution, framed and adopted by its own citizens, and so long as it is not inconsistent with the federal constitution it may contain such provisions as the people desire to put into it.

While each state is free to have such a system of government as it wishes, in fact they all have the same general type, although of course there are many variations. Each has a legislature composed of two houses both of which are elected directly by the people and the legislature has full power of legislation in respect to all matters which under the federal constitution are reserved to the states. In many states what are known as the initiative and referendum have been introduced under which the people may frame and adopt laws without the action of the legislature. Under the initiative a certain percentage of the voters may petition that a certain law drawn up by them be submitted to a vote of the people and if it is approved by a majority of them it becomes law without the action of the legislature. In many states also a certain percentage of the voters may by petition demand that a bill passed by the legislature be submitted to the electorate before it goes into

effect. If a majority of them vote against the bill it does not go into effect. It has thus come to pass that in America pure or direct democracy is gradually making an inroad upon the principle of representative government. In some parts of America the use of the referendum has been carried to such lengths that sometimes as many as thirty or forty proposed laws are submitted to the voters at a single election. Under such circumstances the results are not always satisfactory since it frequently happens that many voters do not understand the measures upon which they are called in to express their opinion, especially when such laws are technical and complex. Moreover, it not infrequently happens that the number of laws submitted is so great that the voters become confused or are overwhelmed by the difficulty of the task and consequently refrain from voting at all. Manifestly the success of such a practice requires a very intelligent and wide-awake electorate. With an unintelligent and indifferent body of voters the referendum carried to such lengths would prove disastrous.

The chief executive of each state is called a governor. He is elected directly by the people for a term usually of two or four years. In

some states what is known as the "recall" has been introduced under which public officers may be deprived of their offices before the expiration of the terms for which they have been elected if in the judgment of the voters their conduct has not been proper. This is done by the filing of a petition signed by a certain number of voters demanding that the official submits himself to the electorate for election. In case a majority of the electors vote for his recall he is required to give up his office. By this means the people are able to control their public officials and hold them to a strict accountability for their official conduct. Each state determines for itself who shall have the right to vote, not only in state elections but also in the national elections, subject only to the condition that in fixing the suffrage no person may be denied the right to vote on account of his race or color. This limitation is found in the 15th amendment to the federal constitution adopted in 1870. Its purpose was to confer indirectly the right to vote on the negro race which acquired its freedom from slavery by the Civil War and the members of whom had been made citizens in 1868. This restriction, however, does not prevent the states from limiting the right to vote

to those who are able to read and write, or who own property or pay taxes or who possess other qualifications not based on race or color. Many of the states in fact require such qualifications and the effect is to disfranchise the great majority of the ignorant negro population in the southern states but so long as such requirements are applied equally to both the white and negro races there is no violation of the Federal constitution. No one in America can justly complain that his right to vote is conditioned upon his ability to read and write because every state provides a public school which is open equally to all persons of both races and if any man does not meet the requirements thus insisted upon it is his own fault and not that of the state.

Local Government in America.—For purposes of local government each state is subdivided into counties and these are again subdivided into districts or townships. Each county has its own form of government and controls its own local affairs subject to few restrictions. There is almost no central administrative control over the local governments as there is in England, France and other countries. The chief governing authorities of the

country are a small board which serves as a sort of local legislature and a number of administrative officers such as the sheriff, the treasurer, the clerk and others. They are elected directly by the people upon the basis of a very broad suffrage. Likewise the local districts have their own governments, practically all the officials of which are elected by the people. In addition to the counties and districts there are of course many towns and cities which have their own special forms of government. Most of them are incorporated municipalities having charters granted either by the legislature or framed and adopted by the people themselves without the intervention of the legislature. The chief executive of the city is the mayor who possesses much larger powers than do the mayors of English cities. They approve ordinances, as the acts of the city councils are called, enforce them, issue regulations, appoint many administrative officers, grant pardons to offenders against the city ordinances and the like. The legislative authority of the city is the council usually a single-chambered body although in a few cities it is composed of two houses. It legislates on a great variety of matters of local interest to the inhabitants. Its powers are set forth in the

charter of the city or are conferred by general or special laws passed by the state legislature. The law usually limits the powers of the city council especially in regard to the levying of taxes and the incurring of loans but there is practically no central administrative control at all over the city-governments. Subject to the few limitations set to their authority by the constitution and laws of the state they are free to establish any form of local government and adopt any policies they may desire. Most of the city officials are chosen directly by the people themselves. On the whole, the Americans have almost unlimited local self government; this serves as a sort of training school for citizenship and contributes toward the political education of the citizens and stimulates their interest in public affairs. It should be said, however, that their almost absolute freedom from central control in respect to local affairs is not entiıely without its dangers. In the absence of such control the policy of the cities is not always for the best interests of the state as a whole and not infrequently laws passed by the state and which are dependent upon the mayors for their enforcement in the cities are not enforced when the public sentiment of

the local population is opposed to such legislation.

Territories and Colonies.—In a preceding section we have described the government of the states and have pointed out that they enjoy almost entire liberty of self government. But there are and have always been certain parts of the union which have not been organized into states and which do not possess full powers of local self government. These possessions are generally known as the "territories"; those which are situated beyond the seas are sometimes called the "dependencies." From the first these possessions have been held in a more or less dependent status and governed directly by the United States, very much as Great Britain governs her colonies. The governor and the other principal territorial officers are appointed by the President of the United States and Congress legislates for them or sets up such local legislative assemblies as it sees fit. This policy is based on the assumption that the inhabitants not yet being sufficiently qualified to govern themselves they must be kept under the guidance and tutelage of the United States until they have become qualified to govern themselves. When this stage is reached they

are organized and admitted into the union as states with all the rights of self-government possessed by the latter. At the present time Alaska is the only territorial possession of the United States remaining on the American continent which has not yet been admitted into the union as a state.

The Insular Possessions.—For a long time the possessions of the United States were confined to the American continent but in 1898 the Island of Hawaii in the Pacific Ocean was annexed to the United States at the request of its inhabitants and in the same year in consequence of the war with Spain, Porto Rico, the Philippine Islands and Guam were acquired; two years later the Island of Samoa was added; in 1903 the United States acquired a strip of Panama ten miles wide through which the Panama canal was constructed and in 1918 the Danish West India Islands in the Caribean sea were purchased, so that to-day there is a considerable group of island possessions under the sovereignty of the United States. For purposes of government these possessions fall into two groups: (1) Alaska, Hawaii, Porto Rico and the Philippine Islands and (2) the various other islands. Those composing the first group are known as the

"organized" territories or dependencies. Each is under a governor appointed by the President of the United States, each has a local legislature of two houses, both of which are now elected by the inhabitants thereof, and each is represented in the Congress of the United States by a delegate or commissioner who possesses practically all the rights of a representative in Congress except the right to vote on bills. In the beginning these possessions were under military government or were governed by a commission appointed by the President and the Congress of the United States legislated directly for them. In time, however, a system of civil government took the place of military government; later they were allowed a local legislature, one house of which was chosen by the people of the colony and, finally, when the inhabitants had given evidence of their capacity for self-government they were allowed to elect both houses of their legislature. The result is in all four of the possessions mentioned the people to-day make their own laws through legislative bodies of their own choosing and they also elect most of their own local officials. They are still subject, however, to the control of the United States in certain particulars. Their governors are still appoint-

ed by the President ; the latter may veto the acts of the local legislatures and the Congress may enact legislation for the territories and this legislation may over-ride that of the local assemblies. The people of the territories are not allowed to take part in the election of the President of the United States though they may send delegates to the national Convention which nominates the candidates for the Presidency. With some trifling exceptions the provisions of the constitution of the United States have been extended to the territories and the inhabitants of all of them except those of the Philippines have been made citizens of the United States and given all the rights and privileges which citizenship of the United States carries.

The other territorial possessions are governed somewhat like the British Crown colonies, that is to say, by the President directly or through the medium of a governor or naval officer. In these colonies there are no local legislative assemblies and the inhabitants enjoy few or no rights of local self government. The District of Columbia, a small area of territory set apart as the seat of the national Capital is governed by a commission of three persons appointed by the President while the laws for the dis-

trict are enacted by Congress. The people of the district have no rights of local self-government at all ; they have no local legislature ; they elect none of their public officials, they are not represented in Congress, nor do they take part in the election of the President of the United States. But in spite of this lack of political rights they are well governed, in fact, better governed perhaps than any other city of the United States.

The policy of the United States towards the people of the territories and colonial possessions has, on the whole, been very liberal and has been characterized by a desire to accord them the rights and benefits of local self government as rapidly as they have given evidence of their fitness. They have not been exploited for commercial purposes or in any way oppressed Large sums of money have been spent for education, public improvements, for the maintenance of order, for the suppression of disease and for other purposes for the benefit of the inhabitants. In all of them there has been substantial progress along all lines since the establishment of American sovereignty over them and there is not one which would not be worse off if America should withdraw and leave them to stand alone.

Most of them realize this fact and are quite content to have the guidance and assistance of a government whose policy has always been directed toward their own improvement and betterment.

TEST QUESTIONS.

1. Describe the nature of the American federal union. How are the powers of government divided between the United States and the states? What sort of powers has each?

2. What is the nature of the United States constitution? How does it differ from the British constitution?

3. By what means do the American secure the observance of the federal constitution by Congress and the states? What happens if Congress or a state legislature passes a law which is contrary to the federal constitution?

4. Describe the organization of the American Congress.

5. How does the Senate differ in organization from the House of Representatives? Name some special powers of the Senate.

6. How is the President of the United States nominated and elected? What are his powers?

7. Describe the American cabinet. How does it differ from the English cabinet? What is its relation to the President? To the Congress?

8. What cases are tried by the federal courts? When may a case be appealed from a state court to the United States Supreme Court?

9. What is the position of the states in the American union? What are their powers? Some of their rights and obligations as members of the federal union?

10. Describe the system of local government in America? How does the system of municipal government differ from that of England?

11. Name the principle colonial dependencies of the United States. How were they acquired ? Where are they situated ?

12. Describe the policy of the United States toward the dependencies. What are the "organized" dependencies and how are they governed ? How are the other dependencies governed ? What is the District of Columbia ? Where is it and how is it governed ?

CHAPTER XI.

THE GOVERNMENT OF THE BRITISH COLONIES.

Extent of the British Empire.—In this chapter we purpose to tell you something about the government of the British colonies. You are, of course, aware that Great Britain includes much more territory than is embraced in England, Scotland, Wales and Ireland, the government of which we described in the preceding chapter. You may not know, however, that the British Empire exercises some sort of control over approximately one-fourth of the earth's surface. This empire is by far the most extensive in the world; it embraces dominions in almost every part of the globe, so widely scattered that it has been said that the sun never sets on British soil. Aside from the United Kingdom itself these dominions fall into four distinct groups: (1) the self-governing colonies; (2) the Crown colonies; (3) the protectorates and (4) India. The latter although possessing some of the attributes of a colony is put in a class by itself and is regarded not as a colony, but rather as a "dependent Empire." The

self-governing dominions include the Dominion of Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand and the Colony of Newfoundland. Their total area aggregates more than 7,000,000 square miles or more than half the British Empire, not including India, and their total white population amounts to about 15,000,000 inhabitants.

The Self-Governing Colonies.—The two outstanding facts regarding the political status of these dominions is that for all practical purposes they are independent nations and are in everything but name, republics. They have their own constitutions which they are practically free to alter in any way they please ; they have their own forms of government and except as to their governors-general they choose their own officials in such manner as they wish ; they have their own flags, their own armies and their own navies ; for the most part, they make their own laws, have their own systems of currency and levy their own taxes. They are indeed free to levy protective duties on goods imported from abroad, even from the mother country. They are not required to pay interest on the imperial debt, not even on that portion which was incurred, in part, long

ago for their own protection ; they are not obliged to contribute toward the upkeep of the imperial navy which is the common protector of them all and when the mother country finds itself at war they cannot be compelled to send a man or contribute a farthing toward the prosecution of the war. In short, they enjoy the benefits of membership in the Great Empire and are entitled to its protection, practically without cost to themselves, except in so far as they may voluntarily assume a portion of the burden. They are not exploited by the British government for commercial purposes or bled by exactions in the form of tribute as colonies were sometimes in former centuries. The fact is, as we have stated above, their dependence upon the mother country is largely nominal. It is of course true, that their governors-general are appointed by the imperial government but the duties of these high functionaries are more formal and ceremonial than real. It is also true that appeals may be taken from the highest courts of these colonies to the Judicial Committee of the Privy Council in England, but such appeals are rare and it involves but little real control over the colonies from which they come. The British parliament at Westminister may also pass laws

binding on the colonies, as for all parts of the Empire, but in fact its legislation is limited to matters of general concern to the whole Empire and in reality involves no substantial restriction on the legislative autonomy of the colonies themselves. The most tangible evidence of their dependence upon the mother country is found in the control which the imperial government exercises over their foreign relations. None of the colonies may send or receive ministers or consuls, or negotiate treaties, although as a matter of fact in recent years some of them have been allowed to conclude separate commercial treaties. In practice, whenever the imperial government concludes treaties affecting directly one of the self-governing colonies, its government is consulted and is frequently allowed a voice in the negotiations and in the determination of the content of the treaty. In this connection it may be remarked that the self-governing colonies sent representatives to the peace conference at Paris in 1919 and they signed the treaty with Germany along with those of the various independent nations there represented. They are also to be represented in the Assembly of the League of Nations, along with Great Britain and the other powers which be-

come members of the League. All these facts go to show that even in the field of foreign relations the self-governing colonies are gradually acquiring a position of actual autonomy not very different from that of independent nations.

The Dominion of Canada.—After this survey of the general features common to all the self-governing colonies we may now describe briefly the governmental system of each of them. Let us begin with the dominion of Canada, the greatest and oldest of the federations within the Empire. Canada in organization is a federal union similar in many respects to the great federal republic of the United States which lies as its neighbour to the south, although there are some differences particularly as regards the method by which the powers of government are distributed between the Central Dominion government and the governments of the provinces which compose the federation. Like the United States the Dominion of Canada has in the British North American Act of 1867 a written constitution which provides for a central government for the entire dominion and for separate governments for each of the provinces. To the provinces the constitution delegates certain specified powers; to the dominion government

it likewise delegates certain specific powers, leaving all others to be exercised by the Dominion government. Unlike the republic of the United States therefore, the central government is an authority of both delegated and residuary powers, while the governments of the provinces are authorities of delegated powers only. In the distribution of powers between the dominion and the provinces the former is given larger powers than are the States in the American union. Thus, for example, whereas in the latter federation each state enacts its own criminal law and procedure, in Canada there is a common criminal law and procedure enacted by the Dominion parliament for all the provinces.

The Governor-General.—The formal executive head of the Dominion is the governor-general appointed nominally by the Crown, in reality by the Cabinet. He is the only functionary in the Dominion who is chosen by the imperial government in England. He is the representative of the Crown and plays in Canada somewhat the same role as the King does in the mother country, with this exception that he may veto the laws passed either by the Dominion parliament or the provincial legislature whereas the King has in practice lost the veto power.

The governor-general is sent out from England, is usually a peer or a member of the royal family and he represents the Crown in primarily a formal and ceremonial manner. He is aided by a cabinet which is chosen very much like that of the mother country; it is responsible to the Canadian parliament and it plays essentially the same role in the government of the Dominion that the British cabinet does in England.

The Parliament.—The Dominion parliament is composed of two houses: a senate and a house of commons. The members of the senate are not elected by the people as senators in the United States are nor by the local legislatures as in Australia but are appointed for life by the governor-general (in reality by the cabinet). Except as to the initiation of money bills the senate has equal powers of legislation with the house of commons. The latter house like its counterpart in the mother country is elected directly by the people. The suffrage as in the United States is regulated by the provinces, so that it is not uniform throughout the Dominion. In the most of the provinces what amounts almost to universal manhood suffrage prevails. Acts passed by the Dominion parliament may be vetoed by the governor-general; those which are

approved by him may be disallowed by the Crown but such instances of disallowance are very rare.

Government of the Provinces.—The Dominion is composed of territorial units called provinces, of which there now are nine. New-Foundland, alone of the original Canadian provinces, has declined to become a member of the federation. It remains therefore a separate and distinct colony with a system of government not very different from that of Canada and the other self-governing colonies.

The nominal executive of each of the provinces is the lieutenant-governor who is not elected by the people as are the governors of the American states, but is appointed by the governor-general of the Dominion (in reality by the cabinet). He is aided by a responsible cabinet which plays essentially the same role which cabinets play elsewhere. Each province has its own legislature, which with two exceptions, is a body composed of a single chamber, and its members are elected directly by popular vote. The provincial legislature has general powers of local legislation, subject only to the restriction that its acts may be vetoed by the governor-general. Occasionally, though rarely, the governor-gene-

ral exercises this power to prevent the enactment of laws by the provincial legislatures which are believed to be contrary to the laws of the Empire or which are inconsistent with the established policy of the Empire or of the Dominion. Some years ago, for example, the governor-general vetoed a law passed by the legislature of one of the western provinces, restricting immigration and on another occasion a provincial railway law was disallowed, both on the ground that the laws were contrary to the established policy and general interests of the country as a whole.

The Commonwealth of Australia.—The second of the great self-governing federations is the Commonwealth of Australia which formally came into existence in the year, 1900. By a great act of parliament passed in that year the six states of the island-continent were welded together into a federal union along the lines of the American and Canadian federations. This act of parliament like the British North American act for Canada is in effect a constitution for the people of the Commonwealth. It was in reality the work of the people of Australia not of the British parliament, which merely approved it as it was framed in Australia. The people

of Australia are practically free to alter it to suit their own changing needs and conditions, whenever a majority of the people in a majority of the states so wish. The people of an independent nation are hardly more free in this respect.

The Commonwealth, as stated above, is composed of six states and provision is made for the admission of new states. As yet New Zealand is the only Australasian state that has not joined the union. Being situated some twelve hundred miles distant from the mainland of Australia it has preferred to remain a separate and distinct self-governing colony with its own system of government. As in Canada the nominal executive of the Commonwealth is the governor-general appointed by the Crown in England (in reality by the cabinet) and his position and powers are substantially the same as those of the governor-general of Canada already described. The Commonwealth Act makes no provision for a cabinet but the cabinet system of government in fact exists in Australia and nowhere is the principle of cabinet responsibility more deeply rooted or followed more closely in practice.

The Commonwealth parliament as elsewhere

is composed of two houses: a senate and a house of representatives. The senate is made up of six members from each state and unlike the members of the Canadian senate they are not appointed by the governor-general, but are elected directly by the people. In this and in other respects the Australian system follows more closely the constitution of the United States than does the Canadian system. The members of the lower house of course are elected directly by the people on the basis of a very extended suffrage which in most of the states includes also the right of women to vote. As in the United States, the powers of the federal government are limited to certain specified subjects while the remaining powers of government are left to the states. Each state therefore has its own system of law and local government and its own political institutions. In hardly any other part of the world has democracy made more strides. Both in the Commonwealth government and in some of the states elaborate schemes of government operation and assistance have been carried out and new forms of political and social democracy introduced.

The Union of South Africa.—The latest example of colonial unification within the British

Empire is the South African Union formed in 1910 by the coalescing of the two self-governing colonies of The Cape and Natal with the two former Boer Republics: the Orange Free State and the Transvaal. It was felt, however, for certain reasons, that a stronger and more centralized union than the Canadian and Australian federation was desirable and in consequence a "unitary" rather than a "federal" system was introduced. The four component members are therefore primarily administrative districts rather than autonomous self-governing states or provinces such as the members of the Australian and Canadian federations are.

As in the other great self-governing colonies there is a governor-general appointed by the Crown; there are ministers responsible to the legislature and the real executive power is mainly in their hands. The legislature of the union is composed of two houses; a senate and an assembly. The members of the senate are neither wholly appointed by the governor-general, as in Canada nor elected by the people as in Australia, but half of them are chosen by the provincial councils and half are appointed by the governor-general. The members of the Assembly are elected under a system of suffrage

which admits practically all male Boer and English residents but excludes native Africans. By reason of their numbers the Boer element has been in control, the first prime minister being General Botha who a few years earlier led the Boer army against the forces of Lord Roberts and Lord Kitchener. During the recent world war there was an uprising of discontented Dutch elements but it was suppressed by the Boer government itself without assistance from the English government. The great mass of the inhabitants remained thoroughly loyal and furnished a large contingent of troops to the allied cause.

The Crown Colonies.—In addition to the great self-governing dominions mentioned above there is a large number of less important British possessions scattered all over the world the larger number of them being situated within or near the tropics. Those in Europe are mere military stations like Gibraltar while those in Africa were at least in the beginning trading companies. Unlike the dominions described above they are inhabited largely by peoples of non-European stock and who for the most part are less advanced in civilization. For this reason it has not been considered expedient to

grant them the same degree of independence and of self-government that are allowed Canada, Australia and South Africa. They are therefore kept under the control of the British government and since this control is exercised mainly by the crown they are called "Crown" colonies. The degree of autonomy and local self-government which they enjoy varies widely among the different colonies depending upon the character of the population, their civilization, education and fitness for self-government. Some of them like Bermuda and the Bahamas have a legislature in which the lower house is elected and the upper house or council is appointed; others like Jamaica and Malta have a legislative council in which the members are partly appointed and partly elected and in case the latter element preponderates their action can be overridden by the Crown. Some like Ceylon and the Straits Settlements have a legislative council which is wholly appointed; while others still, like Gibralter and Basutoland have no legislative council at all but are administered by a governor who is usually aided by an executive council. All of them have a resident governor or other official appointed by the British government and who carries out the orders of the

colonial office at London and is for all practical purposes the real ruler. The cabinet system with responsibility to elected representatives does not exist in any of them. But representative institutions have been introduced gradually as conditions have seemed to warrant. Naturally in colonies inhabited by native backward peoples with little capacity for self-government it has not been safe to allow them elected legislatures as the experience in Jamaica some years ago clearly demonstrated.

The Protectorates.—Finally, included within the British Empire are various territories which are largely independent as regards their internal affairs, but which are under the protection of the British government and to some extent under its supervision. These are the protectorates, most of which are in Africa. The latest and most important of these is Egypt. In fact Egypt has been under the protection of Great Britain since the year 1883, but the protectorate was not formally proclaimed until 1914. In consequence of certain conditions existing in the country Great Britain and France occupied it many years ago for the purpose of pacifying it and bringing order out of chaos. The joint control of the two powers was virtually terminated

in 1883 since which time Great Britain alone has exercised control Nominally until 1914 the country was a part of the Turkish Empire and was administered by a hereditary ruler called the Khedive but who ruled subject to the advice of a British agent. Soon after the outbreak of the Great War in 1914 the Khedive openly espoused the cause of Turkey whereupon he was deposed by the British government, the suzerainty of Turkey was declared to be at an end and the Khedivial crown was bestowed upon a new ruler who bears the title of Sultan. The British consul-general to Egypt was made British High Commissioner and the country was declared to be a protectorate of Great Britain. The change, however, was largely one of form rather than of substance, for as stated above the country was infact a protectorate before 1914. British occupation of Egypt has been a great benefit to the country. The financial and judicial systems were reorganized and put on a modern basis, order was restored and maintained, and an efficient government was established. Under these conditions the progress of the country has been notable and the people have enjoyed a degree of security and protection such as they never knew under the

corrupt and inefficient rule of the Turkish government.

The Problem of Imperial Federation.—Such in brief has been the British policy in administering the dependencies that have been acquired in one way or another. It has been a policy based in the main on the interests of the people themselves, not a policy of greed, exploitation or oppression, and everywhere it has brought order, security and protection to the peoples concerned. It may be truly said that the people of everyone of these dependencies are better off than they would have been without British protection and guidance. On the whole, the inhabitants themselves realize this and the evidence of their loyalty and appreciation was shown during the recent world war. From the self-governing colonies alone more than a million volunteer soldiers came to the aid of the mother country in its war against Germany, although no compulsion whatever was exerted upon them to enlist. And apart from the conduct of small minority in Ireland and a still smaller minority in South Africa no advantage was taken of the opportunity which was afforded by the withdrawal of the British forces to resist British rule This loyalty to the mother

country was a striking tribute to the wise and beneficent rule of Great Britain and it would not have been possible if the peoples of these outlying parts of the Empire had been oppressed and exploited for the benefit of the mother country. With the growing interdependence of all parts of the Empire have come efforts to bind them together by still closer bonds, political and commercial. New steamship lines have been established, ocean cables laid, a general penny postage introduced and most of the self-governing colonies have enacted preferential tariffs giving lower rates to British products. In 1887, the year of the Queen's jubilee, an imperial conference of coloninal premiers was held in London and others followed in 1897, 1902 and 1907. At the last mentioned conference it was decided to effect a permanent organization whereby an Imperial Conference should be held every four years to discuss problems of vital interest of the Empire and all the self-governing colonies. During the late war the desire for co-operation was still further accentuated and it took the form of the creation at London of an Imperial Cabinet in which the premiers and other representatives of the self-governing colonies and India were invited to

sit and to advise on matters relating to the conduct of the war. In the meantime the self-governing colonies in appreciation of the protection which they receive from the mother country have adopted the policy of making voluntary contributions toward the support of the navy which is the chief arm of protection for all parts of the Empire. Some have contributed battle ships or cruisers and some have made money grants from their treasuries. The project for an imperial parliament in which would sit representatives from all parts of the Empire has even been discussed and some time in the future it may become an established fact. Thus as time goes on the bonds of union between the different parts of the Great Empire are becoming stronger and those who think the Empire is destined to fall to pieces through disintegration or secession will probably never see their predictions realized. It is hard to see how the colonies themselves would gain any substantial benefit from such a disintegration and it is almost certain that our common civilization itself would be the loser by the breaking-up of an Empire which has done so much to promote the good government, progress and security of so many millions of people.

TEST QUESTIONS.

1. Tell something of the extent and population of the British Empire.

2. Classify the colonies of Great Britain. Name the self-governing colonies.

3. Describe the place which the self-governing colonies occupy in the Empire. What is the extent of their autonomy? In what respects are they subject to the control of the British Government.

4. Is it within the power of a self-governing colony to discriminate against the mother country by means of tariff laws?

5. Describe the Canadian federation? When was it formed? How are the powers of government divided between the federation and the provinces?

6. What are the powers of the governor-general?

7. Describe the Canadian parliament.

8. How does the Commonwealth of Australia differ from the Canadian federation?

9. Describe the nature of the South African Union.

10. What is the relation between the Crown colonies and the British Empire?

11. Describe the status of Egypt before and since 1914.

CHAPTER XII.

THE GOVERNMENT OF INDIA.

India as a Part of the British Empire.—Having told you something of the government of the British Empire of which you are a part and of its colonies, we must now describe the government of your own beloved India. India, as you know, is not regarded as a colony, and such it really is not. Among the countries which make up the British Empire it stands in a class by itself. By reason of its vast territorial extent and its enormous population we may justly consider it as an empire in itself, even though it is not an independent state. India embraces an area of 1,800,000 square miles and has a total population of more than 315,000,000 people, or about four-fifths of the population of the whole British Empire.

Population, Races and Religions.—Unlike Canada and Australia, the other two largest dominions of the British Empire, its population is not English nor does it constitute a single nationality. It is rather a conglomerate of many

distinct nationalities, speaking different languages, professing different religions, and separated by varying customs, prejudices and historical traditions. There runs through the whole fabric of Indian society a series of cleavages of religion race and caste, which tend to destroy in some degree the solidarity of the people and to keep them apart. One of the greatest of these, as you know, is the religious cleavage, for on the one hand there are 217,000,000 Hindus with their own beliefs, deities, caste distinctions, and religious practices, and on the other the 67,000,000 Mohamedans followers of 'One God, and Mohammad the Prophet of God' with their own religious law and practices. These differences of race, religion, and language have hitherto been the source of a certain mutual distrust and misunderstanding; and as we have said, they have hampered the Indian people in becoming a nation in the sense that the Canadian and Australian peoples are nations. At the same time they have complicated the problem of government because it is difficult to apply the same laws and institutions to peoples with such varying races, languages, religions and customs without arousing the opposition of some of

them, or even causing hardship to certain races and classes.

The East India Company.—The limits of this little book do not allow us the necessary space in which to review the history and growth of the Indian Empire You are doubtless already familiar with the main facts of this history. As intelligent boys and girls you doubtless know the principal facts regarding the establishment of English authority in India You know that this rich and vast country gradually came under English control through the activities of a great commercial and trading corportion, the East India Company, which was granted a charter by Queen Elizabeth in the year 1600. This charter gave the merchants who composed the Company the exclusive power of trade, administration and settlement in the East. Before the end of the seventeenth century the Company had secured possession of the three main outposts of Fort St. George in Madras, the island of Bombay and Fort William in Bengal; and before the end of the eighteenth century it had practically pushed out all European rivals from Hindustan. The primary object of the Company was trade, but in order to preserve the peace in a country full of disturbed

elements, it also administered the territories and peoples which came under its authority. It had an army, it waged war, it collected taxes, it appointed officials and, in general, began to exercise political authority much as though it were itself a state.

Transfer of the Government of India to the Crown.—Now as time passed, the danger of leaving to a commercial company whose principal object was to earn financial profits for its shareholders through its trading operations, the right to govern the peoples of the country in which its trading activities were carried on, became evident; and as early as the end of the eighteenth century an Act of Parliament was passed which while leaving to the Company its trading privileges took away from it its civil and military powers and placed them under the control of the Crown. The selection of its highest officials was, to be sure, left in the hands of the directors of the company, though their appointment required the approval of the Crown. The Act created a Board of Control, the President of which in reality became the parliamentary minister for India. Finally in 1858, the year following the great mutiny, the whole administration of India was transferred directly

to the Crown. In its broader outlines the Government of India to-day remains largely as it was organized under the Acts of 1858 and 1861, the principal difference being that the people of India have from time to time been given a larger share themselves in the legislation and administration of the country. On January 1, 1877, the Queen assumed the title of Empress of India, and under the proclamation then issued King George V is to-day Emperor of India. At the same time it was announced that the assumption of the Imperial title would involve no change in the declared policy of the British government to govern the people of India so as to promote their own welfare.

Present Government of India—the Secretary of State.—Under the Acts of 1858 and 1861, which though frequently modified are still the basis of the law for the administration of the Indian Empire, the government of India is divided into two parts or sections: that part which is in England, and that part which is in India. The part which is located in England and which constitutes what is known as the India Office, consists of the Secretary of State for India together with his Council. The Secretary of State for India is appointed by the Crown (in

reality by the prime minister) and he is always a member of the cabinet. He is at the head of the government of India, and, as such far away though he is, he is the real governor of the country, so far as any one person may be said to be the chief governing authority. As a member of the cabinet he is of course responsible to Parliament for his policy and acts, and in case they do not meet the approval of Parliament, he must resign his office and make way for a Secretary of State who has its confidence and support.

The Council of the Secretary of State.—The Secretary of State, however, does not exercise his vast powers alone and entirely at his discretion, for it was thought that in the discharge of such heavy responsibilities, affecting so many millions of people in a far distant part of the world, he ought at least be required to consult a body of men who by reason of their residence or official service in India are more familiar with the conditions and needs of the people there than he himself is likely to be. The Act of 1858 therefore provided for the creation of a special Council of India, which now consists of not less than eight nor more than twelve members chosen by the Secretary of

State himself, and which is associated with him in the government of the country. To insure that the Council shall be composed of men who are qualified by their service or residence in India to give the Secretary the sort of advice and information that he most needs, the law requires that at least one-half of the members shall be persons who have served or resided in India for not less than ten years and who have left India not more than five years before their appointment. In the past the Council has beeu composed mainly of retired Indian officials, to whom are occasionally added one or two members who possess special commercial knowledge and occasionally a retired Indian Judge. No Indians were appointed to the Council of India before 1907, but in accordance with the declared purpose of the British Government to admit Indians as rapidly as was deemed expedient to a share in all branches of the India service, there are now three Indian members on the Council.

Powers and Duties of the Council.—The general duties of the Council are to conduct under the direction of the Secretary of State, who presides over its meetings, affairs in England relating to the government of India, and to advise the Secretary upon large questions of policy

in respect to matter of Indian government. All orders, with a few exceptions, which the Secretary of State issues must first be laid before the Council for its advice. Except as to certain matters, such as the expenditure of revenues raised in India, which require the approval of the majority of the members of the Council, the Secretary of State may, however, override the Council; that is to say, in case there is a difference of opinion between him and the Council regarding the expediency of a particular policy or line of conduct, the determination of the Secretary of State is final. The Council therefore is mainly a consultative body, with no power of initiative and with no right to veto the action of the Secretary of State except in a few cases. The purpose in thus limiting the power of the Council was not at all to make the Secretary of State an autocrat, but to avoid the disadvantages of a division of responsibility between him and the Council. As he is required to consult the Council without being obliged to take its advice or to share with it his power, the responsibility is placed definitely on his own shoulders, and he cannot therefore shift it to the shoulders of the Council in case the House of Commons should have occasion to criticise him

for an unwise act or policy. This is entirely in accord with a generally recognized and sound principle of government, and one which is being more and more recognized in all countries to-day.

The Governor-General of India and His Council.—Such in brief is the organisation of the India Office in England. Let us now examine the organisation in India. It is quite obvious it would be impossible to govern from London so large a country as India, situated so far from England and inhabited by so many millions of people. Accordingly a large part of the work of government has been transferred to India ; it is there that laws are ordinarily made, officials appointed, and many policies determined upon and put into effect.

At the head of the government in India is the Governor-General who has hitherto been aided by two councils, one executive and the other legislative. The Governor-General is also Viceroy or representative of the Crown, by which he is appointed (in reality of course, he is selected by the Cabinet) for a term of five years. He is charged with carrying out the policies determined upon by His Majesty's Government in London, and is under

the direction of the Secretary of State for India, who as stated above, is the ultimate responsible ruler of the Indian Empire. The Viceroy's is the greatest office under the Crown, and he maintains the state appropriate to its importance. As stated above, he is assisted by an executive council, formerly composed of seven members appointed by the Crown, a certain number of whom must have served for at least ten years in the service of the Crown in India and one of whom must have been a barrister. Since 1909 the executive council has always comprised one Indian member. The new Government of India Act of 1919 abolished the limitation upon the number of members of the executive council and with it most of the existing qualifications for membership. A second Indian member has already been appointed to the Council and the intention to appoint a third has been announced. Unlike the Secretary of State's council in England the executive council of the Governor-General is not merely a consultative body; for in most cases where there is a difference of opinion between the Governor-General and the council the opinion of the majority prevails, that is to say, except

in certain special circumstances, the decision of the majority of the council prevails. The council moreover shares with the Governor-General the the actual administration of the government, the executive work of the council being distributed among some nine different departments: finance, foreign affairs, home affairs, revenue, education, etc. Except the department of foreign affairs which is under the immediate control of the Governor-Genoral, each of the departments is in charge of one of the members of the council. Attached to these main departments there are a number of special departments, each charged with the administration of some particular branch of business, such as the postal and telegraph service, railways, forests, etc. The Council usually meets once a week, and the Governor-General presides over its meetings. Dispatches to and from the Secretary of State are laid before the Council and important questions of policy are discussed very much as they are in the cabinet meetings in England.

The Legislative Assembly.—Such is the Governor-General's executive council. There has hitherto been also a single legislative body, called the Indian Legislative Council, whose functions, as the name suggests, have been main-

ly legislative, though it has had also the power of asking questions of Government and discussing matters of public interest. The number of members has varied from time to time. As a result of the Indian Councils Act of 1909 it consisted of the executive council already described, plus 60 members, of whom not more than 33 were appointed by the Governor-General and the other 27 elected directly or indirecly. Most of the latter were elected by the provincial councils, themselves chosen largely by delegates from the local boards. The Government of India Act of 1919, however, which made the Indian legislature bicameral, that is to say, composed of two chambers, increased its size of the council to 140 members, changed its name to the Legislative Assembly, made it a more truly representative body, and gave it a large elective majority. The Assembly is elected for a term of three years, but the Governor-General may dissolve it any time just as the King may dissolve Parliament. The legislative power of the Assembly is of course limited, for the Imperial Parliament still remains the supreme legislative authority for India as for the rest of the Empire. The Indian legislature may legislate for all persons, places, and things in

India and for all British subjects in the Indian States; but it cannot, in general, alter an Act of Parliament, or pass an Act affecting the authority of Parliament, nor without the Governor-General's sanction deal with a Bill affecting the public debt or revenues of India or the religion or religious rites of any class of people in India, or any Bill relating to foreign affairs or military or naval matters. Subject to these restrictions the Assembly may pass laws on a great variety of matters of concern to the people of India. Every Act passed by it requires the approval of the Governor-General, unless it is reserved by him for the consideration of the Crown, in which case the assent of the Crown is necessary to its validity. The budget is laid before the Assembly each year, but no appropriation may be made except upon the recommendation of the Governor-General. The Assembly cannot without the consent of the Governor-General discuss appropriations for interest on public loans, expenditure required by existing laws, the salaries and pensions of certain public officials and a few other matters. If the Assembly refuses to appropriate the funds asked for for other purposes the Governor-General in Council, if he is prepared to cer-

tify that the money is essential, can treat the funds as having been appropriated notwithstanding the refusal of the Assembly to give its assent.

The Council of State.—The second chamber of the Indian legislature created by the new Government of India Act of 1919, is the Council of State. This body consists of not more than 60 members, of whom not more than 20 shall be officials who will be appointed by the Governor-General. The duration of the council is for a period of five years but it may be dissolved by the Governor-General before the expiration of that term. The Council of State will take its full share in legislation and constitute a regular revising legislative chamber. Disagreements between the two chambers over a Bill, if they cannot be composed by conference, may be referred to a joint sessions of both bodies for decision : and a Government Bill rejected by either chamber may become law on signature by the Governor-General if he is prepared to certify that its passage is essential for the safety, tranquillity or interests of British India. But Acts so made by the Governor-General must be laid before Parliament and require the assent of His Majesty.

The Provincial Governments.—Such is the

organization of the central government of India. For purposes of local administration, British India, as you know, is divided into 15 provinces each with its own system of local administration. These have hitherto comprised what are sometimes called the nine major provinces: the presidencies of Madras, Bombay, and Bengal; the four lieutenant-governorships of the united provinces of Agra and Oudh, the Punjab, Burma, and Bihar and Orissa, and the two chief commissionerships of the Central Provinces and Assam. In addition, there are the minor provinces of British Baluchistan, the North-West Frontier Province, Coorg, Ajmer-Merwara, the Andamans and Delhi. The three presidencies are administered by governors and councils appointed by the Crown. The presidency governors enjoy certain special privileges not possessed by other heads of provinces, and for reasons largely historical the control of the government of India over them is somewhat less complete than over the other local governments. The other provinces have hitherto been either under a lieutenant-governor or a chief commissioner appointed by the Governor-General, and chosen usually from the Indian Civil Service. For a long time there has been

associated with the governor in the three presidencies a small executive council, but most lieutenant-governors and all chief commissioners had no executive councils. The Indian Councils Act of 1909 enlarged the presidency councils (then only Madras and Bombay) to a maximum of four members, and since that time each executive council has comprised one Indian member. The same Act enabled executive councils to be set up in lieutenant-governor's provinces and such a council was thereupon instituted in Bengal. A few years later Bengal was reconstituted as a governorship-in-council, and the lieutenant-governorship of Bihar and Orissa which was then separated from it also retained the council form of government. For legislative purposes the nine provinces, Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Assam each possessed a legislative council, in which non-official members constituted a majority. The non-official members were chosen for the most part not by direct vote, but by the members of municipal and district boards or even by delegates chosen by such members. The boards themselves were elected upon a restricted fran-

chise ; and the net result was that the provincial legislative councils could not be said to represent the choice of many classes of people.

Reorganization of Provincial Government in 1909.—It was fully recognized by those responsible for the government of India that the time was ripe for an enlargement of the constitution, and in 1918, Mr. Montagu, Secretary of State for India, and the Viceroy, Lord Chelmsford, in their elaborate report on Indian Constitutional Reforms, recommended not only the changes already described in the central government and legislature, but also a reorganization of the system of provincial government in the direction of larger popular control and more complete responsibility. It was in the provinces, they said, that steps should be taken towards a more complete realization of responsible government, and this should be provided for as soon as conditions permitted. Accordingly the provinces should be given at once "the largest measure of independence legislative, administrative and financial, of the Government of India which was compatible with the due discharge by the latter of its own responsibility." They further recommended that the control of Parliament and the Secretary

of State over the Government of India and the provincial governments should be relaxed and that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." Many of these recommendations were embodied in the new Government of India Act passed by Parliament in December, 1919 Under this Act the government of each province consists of two parts or sections: first the governor and his executive council, which is not to exceed a maximum of four members, and also the governor with his ministers, who must be chosen by him from the provincial legislature or become elected members of it within six months after their appointment as ministers. The legislature of each province is composed of the members of the executive council, together with members chosen by electors enrolled chiefly on a property qualification, and a few members, official and non-official, appointed by the governor. The new franchise though still restricted in proportion to the population, is immensely wide-spread as compared with previous electorates. To the governor and his executive council is "reserved" the administration of certain matters, such as the maintenance

of the police and criminal justice, land revenue administration, irrigation and other matters requiring more or less technical and specialized knowledge To the other section (the governor and his ministers) are "transferred" other matters of government, such as the control of the local authorities, education, sanitation, agriculture, excise, roads, bridges, etc. The governor himself will be the connecting link between the two sections of his government, and will be charged with the task of preserving harmony and encouraging co-operation between them In case the provincial legislature fails to pass any bill relating to a reserved subject recommended by the governor, the bill will upon the governor's certifying that its enactment into law is essential for the discharge of his responsibility, be deemed to have been passed notwithstanding the refusal of the legislature to give its assent. Over the finances of transferred subjects the legislature will exercise full control ; in the case of reserved subjects the governor can, if the legislature refuses supply which he regards as essential, act as if the supply in question had been granted.

The Act of 1919 provided also for the appointment of a commission to inquire after a period

of ten years into the working of the system thus established, and to report on the question whether and to what extent it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government already existing. In case its report is favourable additional subjects will be transferred to ministers, and it is intended that the process will go on until a complete system of responsible government shall have been established, when the official half of the administration will disappear and the present divided system will be superseded by a unified, popularly elected and popularly controlled administration. This is now the declared policy of the British Government. On August 20, 1917 the Secretary of State for India announced in the House of Commons that the Government were in complete accord on the policy not only of the increasing association of Indians in every branch of the administration but also of a gradual development of self-governing institutions with a view to the progressive realization of responsible government in India. This promise will be fulfilled as rapidly as the Indian people demonstrate their capacity for self-government.

Government of Districts, Towns and Cities.—For convenience of local government the provinces are subdivided into districts, of which there are now some 270 in British India; and these are again cut up into subdivisions for purposes of local administration. They vary in size from the Simla district in the Punjab with an area of 101 square miles to the district of the upper Khyndwin in Burma with an area of approximately 19,000 square miles, the average size in the United Provinces being about 2,000 square miles, though in Madras and Burma the average is much larger. Taking the country as a whole the average size of the districts is about 4,000 square miles, or about ¾ of the size of Yorkshire. Their population likewise ranges from about 20,000 in the district of North Arakan to nearly 4,000,000 in the district of Mymensing, or more people than there are in Denmark or Switzerland. In most parts of India, though not in Madras, the districts are grouped into larger divisions under commissioners who stand between the district magistrate and his local government. The chief official of the district is the district magistrate, who is also collector or deputy commissioner. He is the local represen-

tative of the government and is aided by assistants and deputies, varying in number, title and rank. He has charge of the collection of the taxes, issues liquor licenses, sells opium, supervises the police and prisons, manages the estates of minors, decides disputes between landlords and tenants, and performs a variety of other duties relating to district administration. Until recently he has in many cases been chairman of the local board, but the rule is now for non-official chairmen to be elected In his capacity as magistrate he occasionally tries important criminal cases, but his main function is to exercise general supervision over the administration of criminal justice in his district. He is in practice the most important class of official in the province ; his duties are numerous and exacting, and whatever changes the future may bring about, the welfare of the inhabitants has in the past been largely dependent upon the character and efficiency of his service. In each district there is as a rule also a council or board which corresponds roughly to the county council in England, with limited powers of local taxation and administration, but subject ultimately to the control and supervision of the government. The members are chosen usually for a term of three

years, and as a rule a majority are now elected by the voters of the district, some others being appointed by the government. The villages sometimes constitute units of local government by themselves. In certain provinces a single village or group of neighboring villages forms a "union" which may be compared with the English civil parish. It works through a small committee composed of the more prominent residents, partly elected and partly appointed. Sometimes there is a similar council in each subdivision, and when this happens there are three successive bodies in the community, namely, a district, a local and a village board or council. To these bodies have been given a variety of powers of local government within their respective areas, such as the levying of certain local taxes called rates or *cesses* and of spending the same on such matters as the construction and improvement of roads and bridges, the establishment and maintenance of local hospitals, primary education, markets, drainage systems, the public health, etc. All these activities are known as 'local self-government' and vary greatly in extent and success according to the progressive or backward character of the particular area.

Next above the villages come the larger towns

and cities, which likewise constitute separate units for the purpose of local self-government. Such towns are called municipalities. There are now more than 800 all told in India, the largest of which are Calcutta, Bombay, Madras and Rangoon. The principal governing authorities of the municipal town are the chairman of the corporation and a board or council. Formerly about half the members of the council were elected, the others being appointed by the government, but in recent years the elective principle has been so extended that to-day a majority of the members are elected. The Secretary of State and the Viceroy in their Report on Indian Constitutional Reforms already mentioned, expressed the opinion that the elective principle might be still further extended, and this opinion has already been acted upon in various provinces. The municipal boards now have a limited power to raise money for purely local purposes and to expend the same, subject to a certain control on the part of the provincial government. They also have charge of the establishment and management of hospitals, the public health, the construction and maintenance of roads, primary education, and various other matters appropriate to municipal administration.

TEST QUESTIONS.

1. Give some facts regarding the area, races, religions and population of India.

2. Is India a nation in the sense that Canada and Australia are nations ?

3. What was the East India Company ? What were its powers, military and governmental ?

4. Why were its powers of government transferred to the Crown ?

5. Describe the powers of the Secretary of State for India. The powers of his Council. How many Indians are now members of the Council ?

6. Describe the powers of the Governor-General of India. The powers of his Council.

7. Describe the organization and powers of the Indian legislative assembly.

8. Describe the organization and powers of the Council of State.

9. Tell what you know of the provinces of India. In what province do you live ?

10. Give an outline of the form of government in your province. What changes were made by the Act of Parliament of 1919 ?

11. What powers of government have been left to the provinces ?

12. Describe the system of local government for the districts, villages, towns and cities of India.

CHAPTER XIII.

THE GOVERNMENT OF INDIA.—(*Continued*).

Finance and Revenue.—The people of India like those of all other civilised countries have to bear the expense of the many services which the government performs for them Their contributions for this purpose are popularly known as taxes or rates ; and everyone who is able is required to contribute something in return for the protection which the government provides for him, the roads, railways, canals, posts, telegraphs, schools, and hospitals which it maintains and for various other less obvious services which it renders for the common benefit of all. It would no doubt be a great advantage if we all could be relieved of the payment of taxes, the amount of which all over the world shows a tendency to increase with the increasing assumption, either from necessity or policy, of new services and duties by the government. But no way has yet been or probably ever will be found by which the necessity for government can be dispensed with, and with it the expense which it entails.

It is our duty therefore as good citizens to pay promptly and cheerfully the sums required of us for meeting the expenses of the Government which meets our many needs If we have an honest and efficient government the benefits which we derive from it outweigh the burdens of taxation which it entails.

Sources of Revenue.—In India the principal sources of revenue are the land revenue, opium, salt, stamps, excise, customs and income-tax, but this by no means exhausts the list. Much revenue is also derived from the operation of the railways, and telegraph and postal services. Of the various sources of income the most important is the land revenue. Formerly it constituted about half the total revenue, but now it is less than one-fourth. In parts of India it is practice to make what are called "settlements," that is to say, agreements fixing the amount of the land-revenue to be paid by the land-owner for a term of years. In the greater part of Bengal and in parts of Madras the charge is permanently fixed; elsewhere the settlements are made periodically. The amount of the tax is moderate, being in the Punjab on the average from one-tenth to one-fourteenth the value of the produce of the soil, though mis-

understanding on this point often arises from the fact that the revenue frequently approximates to half the assets, that is to say, the landlord's income from the land. From time immemorial a tax on salt has been a source of revenue in India, and, except for customs, it may be said to be the only tax now which falls upon anyone of moderate means who neither holds land, goes in for litigation, nor consumes liquor or opium. The amount levied is small, being Re. 1-4 the maund and representing an annual payment of about two annas a head. The tax has been from time to time reduced and the price of salt is now lower than it was fifty years ago. In 1914 the total revenue derived from salt amounted to about Rs. 60,000,000. The opium revenue is derived mainly from a tax on opium exported from India to China and other countries, partly by a monopoly in eastern India and partly by an export duty in western India. The revenue has diminished since 1913 with the decreased demand from China and in 1917-18 amounted to about Rs. 30,000,000 annually. Import duties are levied on various articles brought into India from other countries. The articles thus taxed and the rates imposed have varied

from time to time. Among the articles now subject to such a tax are cotton goods, machinery, arms, salt, tobacco, alcoholic liquors and petroleum. The total receipts from customs duties now amounted to about eighty million rupees annually. The excise is a tax, usually per gallon, on liquors, produced in India, and it brings in annually about Rs. 150,000,000. Income-tax is a graduated levy upon trading and professional incomes, and incomes from investments. Incomes from land and agriculture are exempt, and so are all other incomes below Rs. 2,000 a year. The total number of persons who paid this tax recently when the limit of exemption was Rs. 1,000 a year was 350,000, and the annual receipts before the war amounted to about Rs. 30,000,000. Stamp duties are imposed on certain legal documents and commercial papers and yield annually about Rs. 80,000,000, the larger part of which comes from duties on legal documents. This levy may be regarded as a payment for services rendered by the courts to litigants rather than as a tax in the strict sense of the word. As a result of a steady policy of developing and conserving the extensive forests which exist in many parts of India, by creating reserves, and protect-

ing them from fire and wasteful destruction, the forests have become a source of valuable revenue, the gross amount of which is now some Rs. 4,00,00,000 a year.

Collection and Expenditure of the Revenues. —The principal items of expenditure incurred by the Government of India are for the purposes of the defence of the country, the maintenance of the public services, the railways, public works, irrigation and posts and telegraphs, interest on loans, and famine relief and insurance. The expenditure by local governments embeaces a great variety of additional matters. The Government of India keeps in its own hands the collection of certain revenues, such as the tax on salt in northern India and the telegraph revenues, the tax on opium, customs duties and a few others; the other revenues are collected and are now to be wholly administered by the provincial governments In the beginning, it was the practice to treat all revenues collected in India, whether for central or local purposes, as a unit, and to apply them to the purposes of the government of India as a whole; although this rule was never so strictly constructed as to prevent absolutely the appropriation of particular sources of income to specific objects either central or local. Never-

theless the original arrangement was based on the principle that the provincial governments had no inherent legal right to use for their own purposes the revenues which they raised. All revenues therefore went into the treasury of the central government and all with unimportant exceptions were spent only under the orders of the central government.

Local Financial Autonomy.—Under Lord Mayo's Government in 1870, however, a step was taken toward giving the provincial government larger financial powers and responsibilities. They were allotted certain fixed grants from the treasury of the central government for such local purposes as the upkeep of the police, education, the maintenance of jails, medical services, etc., which they were allowed to use, subject to certain conditions, as seemed best. They were also allowed to raise certain additional revenues when necessary by means of local taxation. All the other revenues were retained by the Government of India for its own purposes. This grant of partial freedom to the provincial governments proved satisfactory, and a further advance was made by Lord Lytton's Government, which delegated to the local authorities the control of expenditures for all the ordinary provincial ser-

vices, and in the place of the fixed grants from the central treasury for certain specified purposes, they were now assigned the whole or a part of certain designated revenues out of which to meet the expenses of such charges. Thus a system of "divided" revenues was gradually evolved, under which the central government retained for general purposes the receipts from such sources of revenues as it directly controlled, and also certain others such as those from salt, customs, and opium, and allowed the provincial governments to retain the others, such as those derived from forests, excise, licenses (now income tax), stamps, registration, provincial rates, law and justice, public works and education. The revenues retained by the central government were applied to meet the general expenditures of the Indian government such as defence, the maintenance of the postal and railway service, diplomatic business, and relations with the Indian states, the payment of interest, the upkeep of the India Office in England, pensions, famine relief, etc. ; those left to the provincial governments were applied to meet the various expenditures for local purposes. Since the receipts from the several sources of revenue made over to the provincial

governments were usually insufficient to meet their local charges they were supplemented by a percentage of the land revenue. The amounts thus made over were determined by "settlements" between the Government of India and the provinces, concluded at periodic intervals, usually every five years. Beginning in 1904 however, the system of quasi-permanent settlements was introduced. Thereafter the revenues assigned to a province were definitely fixed; and could not be altered by the central government, except in case of extreme necessity or unless experience proved that the assignment was disproportionate to the normal provincial needs. The purpose of these arrangements was to give the provincial governments a larger local independence in respect to their finances and to develop a more substantial interest in the economical management of their resources. Under the old system the central government was frequently obliged in times of financial stress to take over for itself balances standing to the credit to the provinces, the effect of which arrangement was to destroy any motive for economy on the part of the provincial governments, since they knew that if through economy they were able to accumulate a surplus it

was liable to be taken by the central government. More recently still, the provinces have gained further in respect to the burden of famine relief, which formerly fell heavily upon them in the event of a widespread failure of the rains, in as much as the central government helped them only when their resources were exhausted. Lately the Government of India adopted the policy of placing to the credit of the provinces exposed to famine a fixed amount which they could draw on in case of famine without consuming their own normal revenues for the purpose When this fund was exhausted, any further expenditure necessary was shared equally by the central and provincial governments, and in the last resort the Government of India provided additional assistance from the central treasury. In 1917 this arrangement was simplified by making famine relief expenditure a "divided" service, the amount being apportioned between the central and provincial government in the proportion of three to one.

Separation of Central and Local Finance.—But while the provincial governments of India have gradually acquired considerable autonomy in respect to the management of their own finances, it was clearly necessary to give

them still further command of their resources before the new reforms could be effectively introduced Accordingly Mr. Montagu and Lord Chelmsford in their report on Indian Constitutional Reforms recommended in 1918 that there be introduced a complete separation of the revenues of the Government of India and those of the provinces; that is to say, that certain sources of revenue should be set aside exclusively for the use of the central government and certain others inclusively for the use of the provincial governments, and that the provinces should depend entirely on their own resources for the upkeep of their local governments without being obliged to draw upon the treasury of the Government of India. This would not only mean more freedom of action but it would also stimulate and encourage economy and careful use of their resources. It was also recommended that the taxing powers of the local authorities be increased and that they should be accorded more freedom in respect to borrowing money. These changes have been effected by the Government of India Act of 1919 and the rules made thereunder; but at the request of some provinces all provinces have been given a

quarter share in the increase of the proceeds from income tax. It is also hoped that the deficit in the Government of India's budget, which is at present met by contributions from the provinces, which the latter naturally regard with disfavour, will eventually be made good by the development of the central government's revenues.

Central Control over Local Finance.—It is of course desirable not only in the interest of the local inhabitants themselves, but also in the general interest of the Indian Empire, that the central government should retain some control over the finacial operations of the local authorities. Such control has been found necessary even in countries like the United States where the local authorities enjoy the largest measure of self-government known, and it is doubtful if it can ever be entirely dispensed with. The Government of India retains certain responsibilities and owes certain obligations to the people of the provinces. It cannot allow them to mismanage their resources badly, to indulge in extravagant schemes which would involve them in bankruptcy, or to resort to taxation or borrowing which would result in the oppression of the tax-

payers. The control still retained by the central government, although it may seem disagreeable to the provinces, just as central control over local affairs in every country is usually so considered, nevertheless rests on a sound principle. But the process of gradually relaxing it, which we have seen at work in the past, will doubtless continue with the development of the new provincial governments.

Use of Indian Revenue for India only.—One final observation may be made, namely that the law requires all revenues raised in India to be applied and disposed of exclusively for the purposes of the government of India itself. Except for preventing or repelling actual invasion, or other sudden urgent necessity those revenues cannot without the assent of both Houses of Parliament be applied to defraying the expenses of any military operation carried on beyond the frontiers of India. Thus the people of India cannot be exploited by means of taxation for any purpose which does not concern them directly. A further safeguard is found in the provision of the law which prohibits any grant or expenditure of any part of the Indian revenues without the consent of a majority of the members composing the Council of India. Finally, full accounts

of [the Indian resources and expenditures are annually laid before parliament and the accounts of the Secretary of State for India are examined by an Auditor who is appointed by the Crown.

The Administration of Justice in India.—For the administration of justice India has, like all other civilised countries, a system of courts, and the other machinery necessary for the apprehension of criminals, the trial of cases and the punishment of those who violate the law In Madras, Bombay, Bengal, Bihar and Orissa, the United Provinces and the Punjab there are chartered High Courts ; Burma has a Chief Court ; other provinces have Judicial Commissioners. Each of the chartered High Courts is composed of a chief justice and a number of judges. They must be barristers, members of the Indian Civil Service. or Indians engaged in the judicial service or in the practice of law. Not less than one-third of the judges of each court must be members of the Indian Civil Service. They are appointed by the Crown upon the advice of the Secretary of State for India, but unlike the judges of England who are appointed for life they hold their offices during His Majesty's pleasure.

The jurisdiction of the high courts is regulated

by their charters, and they have been given power by Act of Parliament to hear appeals from, and to exercise a certain administrative supervision over, the inferior judges and magistrates in the districts of their provinces. Thus they have power to direct the transfer of suits from one court to another, to make rules governing the practice and procedure of the lower courts, to call for returns and to prescribe all fees of sheriffs, attorneys, clerks and officers of the courts. The decisions of the courts in India are not necessarily final, for in certain cases appeals may be taken to the Judicial Committee of the Privy Council in England.

Local Courts.—In order to bring justice as near as may be to the homes of the people a local judge has been provided for each of the districts into which the province is divided. He tries both civil and criminal cases. Below him are magistrates for criminal work and sub-judges and munsiffs for civil work; these officers try petty cases and from their decisions dissatisfied suitors may appeal to the district judge. From the decision of the latter appeals may also be taken to the High Court, the Chief Court or the Judicial Commissioner, whichever is the supreme court of the province. And as stated above, final

appeals may in certain cases be taken to the Judicial Committee of the Privy Council in England. This very extended right of appeal affords protection against errors on the part of the inferior judges.

Trial by Jury.—In serious criminal cases the well-established English practice is for the accused to be tried by a jury. The jury decides the question of fact involved while the judge applies the law. In India it is not always easy to find a competent jury in some of the more backward districts, in consequence of which the law allows the local government to determine whether the case shall be heard by a jury or by assessors. In the more advanced places trial by jury is the general rule. In those Sessions cases in which jury trial is not allowed Indian assessors are chosen by the judge to assist him in reaching a decision, although their finding is not binding upon the judge. Where the accused is a European British subject a majority of the jury must be composed of British subjects, the theory being that the accused will feel more confidence if he is tried by persons of his own race. It has been found both in the United States and other countries, that the more or less natural preju-

dice which those of one race feel toward those of other races sometimes make it difficult for them to cast aside their bias when they are called on to judge those of other races, however much they may try to do so.

Improvement in the Administration of Justice. —There has been a great improvement in the administration of justice in India during the last 50 years. The law has been simplified and codified, and the number of courts have been multiplied, so that suitors do not have to travel very far to find a judge to decide their cases. Cases are now handled much more rapidly than formerly. In 1917 about 3,000,000 civil suits and cases were decided by the courts in British India. Nor is justice in itself expensive. Aside from the cost of engaging a lawyer there is no authorised expense save a small tax on the legal documents which are necessary in judicial trials. There is, as stated above, a very wide latitude of appeal, so that litigants who think they have not been treated fairly in the lower courts may take their cases up to a higher court and have the decisions of the lower courts re-examined. In serious criminal cases, as has been said already, the right of the accused to be tried by a jury has been extended

to many parts of the country. Finally the great majority of the judges are themselves Indians, who may be assumed to understand thoroughly the position and motives of accused persons produced before them. Nine-tenths of the original civil suits and more than three quarters of the magisterial business of the country are tried by Indian judges and magistrates. It is gratifying to be able to say that the Indian judges have shown exceptional judicial capacity and integrity, and have won the respect and admiration of their English colleagues. Some years ago the Earl of Selborne, then Lord Chancellor, said in Parliament that he had been counsel in many Indian cases before the judicial committee of the Privy Council; that he was familiar with the manner in which the Indian judges had handled their cases; and that he had no hesitation in saying that their judgments compared favourably with those of English judges, and that their decisions were quite as good as those of English judges, in respect to their integrity, learning, knowledge and soundness. This was a very high tribute from a great English judge. Fifty years ago few of the Indian judges could speak English; none of them held a university

degree and hardly any of them had received legal training. To-day they all know English, and most of them are university graduates. Formerly justice in the lower courts was administered by officers who also performed a variety of administrative functions. To-day all civil cases and all important criminal cases, save in some backward places, are tried by judges who have no direct concern with administration or policy. Thus the separation of justice and administration has been carried far and the effect has been to increase confidence in the administration of justice. Only minor criminal cases are now tried by magistrates who perform other than judicial duties. There has been some criticism of this remaining measure of union of judicial and executive functions, but it has endured from times long past, and must be admitted to have the merit of at least economy.

Police.—Closely connected with the administration of justice is the work of the police, who are charged with preserving order, seeing that the laws are observed, apprehending and arresting criminals, and the like. In earlier times the police force of the village consisted of a headman and a watchman. The former was a magistrate who directed the work of the latter, who

really performed the duties which we associate with a policeman, such as the discovery and arrest of criminals. In accordance with the custom of the country, the position of the watchman was hereditary and he received as his pay the produce of a free grant of land and sometimes the proceeds of a small tax on each house in the village. This system was retained by the Moghuls, but they instituted at the head of a group of villages a supervising magistrate who was usually the tax collector. When the English came they reorganised the police system and improved it in certain particulars. The present system dates in the main from 1861, though important improvements were made in Lord Curzon's time. In every district there is a chief police officer or superintendent who is at the head of the police and has no judicial functions; and subject to the general control of the district magistrate, he directs and supervises the members of the police force throughout the district.

Improvements in Police Administration.—Since 1861 notable improvements have been made in the system of police. Whatever room for improvement still remains, the police are

now better paid, more intelligent, better disciplined and far more upright and efficient than they were fifty years ago. Their organization and powers are carefully defined by law. The circumstances under which they may make arrests and searches, the conditions under which they may detain suspects and so forth are matters which are definitely regulated by the Criminal Procedure Code. The village policeman in some places has been made a member and servant of the village community and subject to the control of the village elders, but the general tendency is to treat him as under the direction of the Superintendent. In the towns and cities the watchmen have generally been made by law a part of the regular town police. In times of disorder when the regular police are not sufficient to deal with the situation private inhabitants of the village or town may be called on to serve as special constables to aid in maintaining order; and this is occasionally done.

While in India, as in other countries, the work of the police is far from being perfect there has been a notable improvement during the last fifty years. Gang robbery and the depredations of dacoits and thugs, which used to be very com-

mon in parts of India, is decreasing inspite of occasional outbreaks due to special causes. There has also been a decrease in the common crimes such as burglary and theft, though in India as elsewhere the police have not been able to deal with such offences as effectually as is to be desired. Various reforms of the police system have been in recent years undertaken, and more attention paid to the training of individual officers. With the increase of education, the development of respect for law and authority which comes with the progress of civilization, and the improved efficiency of the police force itself, better order will be maintained throughout India and crime will gradually decrease. This has been the history of other countries, and there is no reason to think that the history of India will be different.

Jails and Prisons.—In connection with the discussion of police and judicial administration a few words may be said regarding the jails or prisons in which criminals are kept. In this as in other matters there has been great improvement during the last fifty years. A half century or more ago the jails were insanitary and demoralizing, as they were, to be sure, in many other countries at that time. These conditions

were the subject of investigation from time to time and recommendations were made looking toward their improvement. By an Act of 1894 a uniform system of prison administration for the whole of British India was introduced. Although opinion on the point is not unanimous, new jails are now usually constructed according to the separate cell system, so that no prisoner may be obliged to share his cell at night with others. The sanitary conditions of the older prisons have been improved, more wholesome and abundant diets have been introduced, hospital facilities provided, more humane methods of treatment established, and reformatories for youthful offenders have been constructed, so that juveniles are no longer confined with old and hardened criminals. By such means the convict's lot has been ameliorated, the death rate has been reduced and the whole system brought more into harmony with modern humane ideas. But in accordance with a general desire that the whole subject should be reviewed in the light of the most modern experience the Government of India have recently appointed an expert committee to examine the entire jail administration, and further important

improvements will doubtless ensure from its report.

The Law of India.—The law administered by the courts of India is of various kinds. In the first place there are those Acts of Parliament which apply expressly or by implication to India. Then there are the Acts that have been passed by the Indian legislature on the various matters falling within its jurisdiction. Next below these are the Acts passed by the provincial legislatures. There are also various regulations and ordinances made by the Governor-General under the Government of India Act and other Acts of Parliament. To these may be added such Orders in Council made by the King in Council as are applicable to India, and statutory rules made under the authority of Acts of Parliament. At present the Acts of Parliament which apply to India, the Acts of the Governor-General in Council and the Acts of the local legislatures constitute by far the larger and more important body of law to which the people of India are subject. Much of the law of India has been codified and made uniform for all parts of the Indian Empire. Thus there is a general Penal Code, Codes of Civil and Criminal Procedure, a Succession Act, an

Evidence Act, a Contract Act, a Negotiable Instruments Act, an Act relating to the transfer of property; and laws relating to marriage, the status of minors, laws relating to patents, trade marks, weights and measures, insurance, insolvency, usury, forests, mines, factories, labor, emigration, public health and many other matters which are uniform for all India.

In addition to the body of statute law above referred to, there is also the Hindu law and the Mohammedan law which apply only to the Hindu and Mohammedan peoples respectively. The chief source of the Hindu body of law is the famous Laws of Manu. The chief source of the Muslim law is the Koran itself, but some of it is found also in the precepts and sayings of the Prophet, in the decisions of his disciples and in other places. In both cases the law is "personal" and applies chiefly to questions of marriage, inheritance, succession and the like; in these respects the law enacted for the other races and peoples of India does not ordinarily apply to either Hindus or Muslims.

TEST QUESTIONS

1. Why are the people of India obliged to pay taxes? Is it possible for a government to exist without revenues?

2. What are the principal sources of revenue in India?

3. What is the salt tax? the opium tax? What is the rate of the income tax at present? Upon what articles imported from abroad are customs duties levied? Why are stamp taxes imposed on legal documents?

4. What are the principal items of expenditure in India? May money raised from the people of India be expended for purposes not directly for the benefit of the people of India?

5. Explain how the taxes are assessed and collected in India.

6. To what extent have the financial operations of the government of India been separated from those of the local governments?

7. To what extent does the central government of India exercise control and supervision over the financial operations of the local government? Why is such control desirable?

8. Give an outline of the judicial organization of India.

9. In what provinces are there chartered high courts? What are their powers and jurisdiction?

10. Describe the system of local courts in your province. To what extent may appeals be taken from the lower to the higher courts?

11. Describe the system of trial by jury in your province. Is jury trial allowed in all cases? What is the size of the jury? How are jurors selected?

12. In what ways has the administration of justice in India been improved? The system of police? the system of jails?

CHAPTER XIV.

THE GOVERNMENT OF INDIA.—(*Continued*).

The Indian Civil Service.—Apart from certain high judicial positions, certain seats on the executive councils and certain specialised fields of administration, such as education, medicine, police, forestry and engineering, most of the higher posts in India involving administrative duties are officered from the "civil service" of India. As long as the government of India was in the hands of the East India Company all officials were selected by it After the administration was taken over by the British Government it established a system under which appointments were thrown open to competition by examination held in London at which British subjects whatever of English or Indian parentage might compete From the ranks of the civil service thus provided are drawn the staff of officials, central and local, who carry on the daily work of government. Under the existing regulations young men enter the service when they are not over 24 years of age. Upon passing the

examination they are appointed for a period of probation and further study, and then proceed to India to take up their appointments. Ordinarily after 25 years of service they are entitled to retire on pensions of £1,000. Such a body of men recruited after special examination, most of whom have been trained in English Universities, are usually well-qualified for the business before them and the repute of the service has stood high. For a time appointments to positions in the civil service were practically restricted to Englishmen. In 1870 an Act of parliament was passed declaring that it was expedient that natives of India of proved merit and ability should be eligible to appointment and authorizing the appointment of Indians to any office, place, or employment in the civil service, subject to rules made by the Governor-General in council with the sanction of the Secretary of State for India. Little was done, however, until 1879 when Lord Lytton's government admitted a number of Indians to the service. From 1909 onwards the policy of admitting Indians to a large share in the government of the country has been definitely adopted. One seat on the Governor-General's council and one on each of the provincial executive councils has been in

practice reserved to Indians. The Public Services Commission of 1913-15 and the more recent Report on Indian Constitutional Reforms have carried this process further and as we have seen a second and third Indian member have been appointed to the former body. On August 20, 1917, the Secretary of State for India announced in the House of Commons that the policy of the British Government was to increase the association of Indians in every branch of the administration and to introduce gradually responsible government in India as an integral part of the British Empire and that steps toward this end would be taken as soon as possible. Mr. Montagu and Lord Chelmsford in their Joint Report declared this announcement to be "the most momentous utterance ever made in India's chequered history." It marked the end of one epoch and the beginning of a new one. It was a pledge they added, that a new policy would be adopted by the British Government toward the millions of Indian people. If responsible government was to be established in India it was more necessary than ever that a large number of Indians should be employed in the public service at once. In pursuance of it they recommended that examinations for a cer-

tain number of posts in the civil service should be held in India and that for thirty-three per cent. of the superior posts in the Indian service Indians should be recruited, this initial percentage being also annually increased.

Share of the Indian People in Their Government. —This policy marks a definite step in the direction of larger self-government for the Indian people and of ultimate responsible government. It may be confidently expected that action on these recommendations will be soon taken, and one of the sources of Indian complaint removed. As we have stated, the British Government desires to extend the principle of self-government to India by admitting an increasing number of Indians to a share in their government, just as rapidly as conditions make it safe and expedient to do so. Its desire is to see the people of India well governed and governed by themselves and for their own benefit. The English people were touched and filled with just pride at the unmistakable evidence of loyalty to the Empire which came from every part of India, during the late war. Although the larger part of the British army was withdrawn from India, there was but little evidence of a disposition to take advantage of the situation

to embarrass the Government. On the contrary, the people of India stood loyally by the Empire in its Titanic struggle with Germany; Indian troops went forth cheerfully to fight the common enemy; they faced the enemy on many a field of battle, and showed a bravery and valour worthy of the best traditions of the Indian race. For all this the English people were grateful; it showed that the Germans could not count on the disloyalty of Indians to the Empire as they had reckoned, and it constituted unimpeachable evidence that British rule in India is valued by the people of India.

At the present time Indians occupy many responsible posts in the superior service and many more still in the subordinate service. There is not a court in India upon which Indian judges have not occupied seats and some of the most eminent judges of the high courts have been Indians; the greater part of the work of the civil courts, not excepting the court of appeal, is now performed by Indian judges. A certain number of appointments in the actual governments of the country are now reserved exclusively for Indians on an equal footing with Englishmen; and in all ranks of the civil service the proportion of Indians is increasing.

Education.—In the field of education as in other fields India has made notable though very far from fully satisfactory progress. As early as 1882 a careful inquiry was made by a special commission into the educational system and progress of every province, and as a result of its report the educational policy of the government was enlarged and extended. Already in 1857 Universities had been established at Calcutta, Bombay and Madras and since that time others have been established at Allahabad, Lahore, Benares, Aligarh, Patna, Dacca, Rangoon, Delhi, Mysore, Hyderabad, Nagpur and Lucknow. Normal training schools for the training of men and women teachers have been established in every province; medical colleges for the training of doctors have been provided, hospitals have been built, and schools of art and engineering colleges have been established. In short facilities have now to a great extent been provided for the higher education of young men in most branches, literary, scientific, technical, agricultural and other, so that it is no longer necessary in many cases for those who desire university and college training to go to foreign countries for purposes of advanced study. The old

prejudice against the education of girls is gradually declining, and more facilities for their education have been provided. The greatest educational need for India is, doubtless, a more widely diffused and more efficient system of primary and secondary education. Steps are now being taken to establish primary schools whereever possible throughout the country. The number of schools and the attendance of the children have increased rapidly in recent years, thus showing that the people of India are keenly alive to the value of education. In 1918 there were about 9 000,000 pupils in the schools and colleges of India and the expenditure on account of education amounted to over Rs. 80,000,000.

Importance of Education to the People of India.—Notwithstanding the multiplication of schools and the increasing attendance of the children in them much criticism is still heard about the insufficiency of the provision made and other features of the system. There are still millions of boys and girls who never go to school and the number who can not read or write is still distressingly large. For this reason it has been suggested that attendance upon the elementary schools should be made compulsory, as it has

been made in many other countries, and many people think that sooner or later this policy will be adopted in India. As we have already said in an earlier chapter, the future of India must depend largely upon the degree to which her people are educated. No nation has ever achieved greatness when the mass of its population has been allowed to grow up in ignorance Education is the way to civilization and progress along all lines ; and if the people of India are to play the part which their numbers, their wealth, and the extent of their great country entitle them to play, they must have opportunities for education and advantage must be taken of those opportunities. Happily the Indian people are coming more and more to realize this truth and to feel a keener appreciation of the inestimable benefits of education ; and with education made a transferred subject in the hands of ministers, Indian electors will have an opportunity of making their wishes felt in the matter. The progress which they have already made augurs well for the future.

Indian Literature.—One result of the wide diffusion of education has been a notable increase in the number of books, magazines and newspapers published in India. Fifty years ago

there were few newspapers published in Indian languages; they were published only in the larger cities and their circulation was very small. But in 1918 there were over 3,000 printing presses in India, over 800 newspapers and nearly 2,000 periodicals of one kind or another. A few newspapers will bear comparison with the metropolitan journals published in other countries. Before 1858 few books were published in India; in 1918 the register of publications showed that over 1,2000 books and magazines had been published in India during that year, of which more than 80 per cent. had been written and published in Indian languages. This extensive literary output, much of it of a very creditable character, indicates a growing standard of scholarship and an increasing interest in science, literature and public discussion.

Indian Scholarship.—It is pleasant to be able to say that in the field of scholarship Indians have attained a high standard. India has produced great judges, lawyers and administrators who have frequently won the highest praise from the English. The names of Sir Salar Jung, and Sir Madhava Rao in the field of administration, of judges like Messrs. Telang and Mahmud, of jurists like Messrs. Ghose and Ameer Ali,

of economists like Messrs. Dutt and Ranade, of scientists like Messrs. Gajjar and Bose, of scholars like Messrs. Bhandarkar and Mookerji, of publicists like Messrs. Mehta and Gokhale, are well known not only in India but abroad. A people from whose ranks such eminent judges, administrators, scholars, scientists and orators have sprung must command the respect of other peoples, and that they are destined to play an honourable role in the future history of the world there is no reason to doubt.

The Indian States.—What we have said above regarding the government of India applies only to what is known as British India. Now as you know, there is another large part of India, including some of the fairest portions of the country, which is not under the direct sovereignty of Great Britain but which nevertheless is in close relation with it and is in a certain sense dependent upon the Empire. These territories are the Indian or feudatory states, of which there are nearly seven hundred, great and small They embrace an area of nearly 700,000 square miles and contain a population of more than 62,000,000 people. These states range all the way in area from the petty territories of some of the chiefs of Kathiawar, embra-

cing some few acres, to the territory ruled over by the Nizam of Hyderabad, embracing some 83,000 square miles with a population of about 11,000,000 people. These states are in all stages of development, patriarchal, feudal and more or less highly advanced. A common feature of them all, including the most advanced, is the personal rule of the prince, and his control over legislation and the administration of justice British railways and telegraph lines have been built throughout the Indian states and they connect those territories with that of British India. The British postal service has also been extended to the Indian states.

Relation to the British Empire.—As stated above these States are not an integral part of the British Empire; the inhabitants are not British subjects as the people of British India are; the sovereignty over them may be said to be divided between the British Empire and the rulers of these states. Their relations to the British Empire have been fixed by treaties or less formal arrangements entered into between the British government and the ruling princes. Many years ago the Crown by a royal proclamation declared that Great Britain would respect and scrupulously observe all treaties and engage-

ments made by the East India Company with the Indian princes, that it had no desire to extend the existing territorial dominions at the expense of the Indian states, and that it would respect the rights, dignity and honour of the Indian princes. The rights of internal sovereignty left to the Indian princes vary among the different states. Some of them retain almost complete autonomy in respect to their internal affairs while others are subject to large powers of control through agents of the British government. The Nizam of Hyderabad, for example, retains the right to coin money, to levy taxes and to inflict capital punishment with no appeal from the decisions of his own courts. The minimum of internal sovereignty is enjoyed by the chiefs in Kathiawar who are exempt from British taxation and who retain some rights in respect to the administration of justice.

All the Indian states, however, without exception are subject to the paramount authority of Great Britain in respect to the following matters: the British government exercises exclusive control over their foreign relations; it assumes a general though limited, responsibility for the maintenance of the internal peace and order of each state; it assumes direct responsibi-

lity for the protection and safety of British subjects resident in such states ; and it insists on the co-operation of the Indian princes in preventing foreign aggression upon their territories and in maintaining internal peace and order.

Responsibility of the British Empire.—As a result of the exclusive control which the British government exercises over their foreign relations, the Indian states are not independent nations They cannot make war against foreign states or enter into treaties, alliances or engagements with one another or with foreign nations ; they cannot send or receive diplomatic or consular representatives. If a dispute arises between two or more Indian states it must be settled by or under the orders of the Government of India. If the rights of an Indian state are infringed by a foreign state it is for the British Government and not the aggrieved Indian state to demand and obtain the redress, and the same Government is concerned if the subject of a foreign power is injured by the act of an Indian state or of any of its subjects. In this way the British Government assumes responsibility for the protection of the Indian states and for the protection of the subjects of foreign powers resident therein. The special responsi-

bility which the British Government assumes for the safety and welfare of British subjects residing within the territories of the Indian states necessarily involves the exercise for this purpose of a certain jurisdiction towards them.

The legislature of British India has power to make laws for Indian subjects residing in the Indian states or elsewhere, and for British subjects in the narrow sense, who may be resident in such states, and there are many such who reside there for trade or other purposes. Likewise the Governor-General of India in Council exercises jurisdiction over British subjects in the Indian states, in all cases; over Indian subjects therein, in certain cases; and over all classes of persons, British or foreign, within certain territories of the Indian states. In nearly every state there is a British officer representing the British government and in the more important states there is a British resident and staff. In the more important military positions there is sometimes a detachment of British troops. Under arrangements made between the Government of India and several of the Princes the latter have engaged to maintain military forces of Indian troops within their territories to aid and co-operate with the British authorities in the maintenance of

peace and order. It is the policy of the Government of India not to allow the durbars to exercise jurisdiction over European British subjects, but to require them either to be tried by British courts which have been established in the states or to be sent for trial before a court in British India. But Indian subjects of Great Britain resident therein are in practice tried before state courts. By arrangements made between 1870-78 with the states possessing salt deposits the Princes consented in consideration of large annual payments, to allow the Government of India to control and tax the manufacture of salt within their territories.

Benefits of British Protection.—On the whole British co-operation, to say nothing of the responsibility which the British government has assumed for the protection of the states and the preservation of order, has been of great benefit to the people of these territories. They have been helped in times of famine; trained British officers have been lent to them to assist in the revision or supervision of their financial administration or the improvement of their agriculture and irrigation; many of them have adopted the criminal and civil codes of British India; British railways and telegraphs, as was said above, have

been extended to the states, and co-operation in matters of police, justice and education has been given. At the same time the states have been left largely free to manage their own internal affairs without British control. In most of the more important states and in some of the smaller ones there has been steady progress in the direction of better government. During the late war the Princes gave abundant evidence of their loyalty to the British Empire and of their appreciation of its services in the interest of their subjects. With one accord they rallied to the cause of the Empire in its herculean struggle with Germany ; they offered their personal services and the resources of their states ; they furnished men, horses, material and money ; some of them served in France and elsewhere at the head of their contingents ; and their soldiers fought gallantly on many battle fields. But apart from military service the Princes have cheerfully co-operated with the British government in matters of administration, by acting upon its advice in respect to financial reforms, by improving their judicial systems, by maintaining order, constructing railways, roads, irrigation projects, encouraging education, establishing hospitals and in other ways. On various occasions in recent

years the Princes have upon invitation met the Viceroy in conference to discuss questions of policies of common interest to their peoples and those of British India and the Empire as a whole. These conferences have given the Princes an opportunity to acquaint the Government of India with their own views and sentiments, and to confer with it regarding matters of common concern. The value of such conferences is beyond question, and Mr. Montagu and Lord Chelmsford were so impressed with the desirability of developing the idea that they recommended that these meetings hitherto called by the Viceroy in his discretion, should be replaced by a permanent Council of Princes. They expressed the conviction that the trend of events must draw the states into still closer relations with the Empire, though they disclaimed any intention or desire of accelerating the movement by artificial means or by encroaching in any way upon the internal autonomy which the states now enjoy. The Council of Princes was inaugurated by His Royal Highness the Duke of Connaught in February, 1921.

TEST QUESTIONS.

1. Describe the civil service system of India.

2. How are appointments to the civil service made? Where are the examinations held?

3. What are the qualifications required for admission to the civil service? What are the rights of the appointees?

4. To what extent are Indians admitted to the civil service? What is the policy of the British Government in regard to allowing Indians an increased share in the Government of their country?

5. What recommendations were made in the Montagu-Chelmsford report on this point?

6. Describe the progress that has been made in India along educational lines.

7. Do you think a system of compulsory school attendance should be adopted in India?

8. Can you name some of the great scholars of India? Some of the great judges? Some of the great lawyers?

9. Name some of the great literary masterpieces written by Indian scholars.

10. What is meant by the native states of India? Tell something about their extent and condition.

11. What is their relation to the British Empire? In what respects are they subject to the control of the British Empire?

12. What responsibility has the British Empire assumed toward them? In what ways has British protection been a benefit to them?

CHAPTER XV.

INTERNATIONAL RELATIONS.

The Family of Nations. – Every independent State has its own form of government, its own institutions, its own laws and pursues such policies as it believes to be the best for its own people. But each is also a member of what we sometimes call the "family of nations" and as such it maintains relations with other states. No State, any more than an individual, may live entirely to itself and have nothing to do with other states. To-day the commercial, educational and even social relations among the peoples of different countries are very extensive. In nearly every country one finds large numbers of travellers, students, business men, health-seekers and even permanent residents and property-owners who are citizens of other countries. When the world war broke out in 1914 there were, for example, 50,000 Germans living in England, nearly as many in Italy and larger numbers still in France and the United States, many of whom were permanent residents engaged in business or the practice of professions.

The nations are bound together by commercial and other treaties, they are constantly engaged in buying, selling and exchanging the products of their industries ; in many ways they are so interdependent upon one another that some of them could hardly live if they were cut off from all intercourse with other nations. These relations and this interdependence must go on increasing with the growth and complexity of our modern civilization.

International Law.—In consequence of this situation it has been found necessary for the different States of the world to maintain a system for carrying on relations with one another, for discussing and settling their controversies, for looking after the rights of their citizens abroad and for promoting their commercial and other interests in foreign countries In the course of time there grew up a body of rules and usages which define the rights and duties of States toward one another and which seek to regulate their mutual conduct both in time of war and in time of peace. This body of rules is known as "international law" or the "law of nations." It has received the assent of practically all the civilized nations and in time of peace, if not during war, it has generally been

observed by them. Although we speak of it as "law" it is not law in the same sense that an act of parliament is law because as yet no penalty is prescribed for its violation and there is no common machinery, such as a world court, for enforcing its observance and for punishing States which refuse to abide by its prescriptions. If therefore a State violates the obligations which this body of law imposes on it there is no means of bringing it to the bar of justice as there is in the case of an individual who violates the law of his own state. In other words, the observance of the rules of international law is entirely dependent on the good faith and sense of honour of the States whose conduct it is designed to regulate. Ordinarily a civilized State will not lightly violate the obligations and duties which the law of nations prescribed or disregard the standards of conduct which it prescribes, because nations, like individuals, are keenly sensitive to the disapprobation of public opinion which is sure to be visited on a government or people which refuses to obey the law. In time of peace this certainty of disapprobation has been a powerful deterrent to international wrong-doing but as the recent great world war showed there are still civilized nations which, when

they find themselves at war, can not be depended upon to obey the law and to fulfill scrupulously their international obligations toward other states. One of the great tasks of the future therefore is to provide a system of international reorganization under which what we call international law will be real law and not merely a code of etiquette and under which some means will be provided for bringing to the bar of justice and of punishing the nation which refuses to obey the law which all nations have agreed to accept for the regulations of their conduct with one another.

The body of international law consists of treaties, especially great international conventions like those adopted at the Hague in 1889 and 1907, and of customs, usages and practices which have been so long and generally observed by all civilized nations that they have become as well established as the customs which go to make up a great part of the law of England and India. Part of it therefore, like the national law of most countries, is written and part of it is unwritten; both parts are equally binding upon all nations because they have given their assent to it either tacitly or expressly by ratification.

The Diplomatic Service.—For carrying on

their relations with one another all independent states to-day maintain a diplomatic service composed of agents called ambassadors or ministers one of which is sent to reside in each foreign country and to represent there the government which sends him. Such representatives are not sent to colonies or countries like Canada and India which are not independent but which are parts of the country of which they are dependencies. Ambassadors are representatives of higher rank than ministers and are sent only to the more important countries, though their duties are practically the same. They reside at the seat of government of the country to which they are accredited and it is now a well established rule of international law that they as well as ministers are not subject to the law of the country to which they are sent. They cannot therefore be arrested or taxed or sued, nor may their houses be entered by local officials, nor may they be interfered with or molested in any way. This immunity from the local jurisdiction is allowed them in order that they may be entirely free to perform the duties which are expected and required of them. Of course, if they commit crimes or are guilty of serious misconduct the government to which they are ac-

credited may demand their recall and if this is not done they may even be dismissed, and sent away.

Duties of Diplomatic Representatives.—The duties which diplomatic representatives are expected to perform are of two kinds : first, those which they owe to the government to which they are accredited ; and second, those which they owe to their own government and people. To the government to which they are accredited they must avoid giving offence by discourteous or tactless conduct or by interfering in the affairs of the country by discussing political questions, taking sides in election campaigns or attempting to influence or control political policies. Some ambassadors and ministers of little tact have been recalled by their own governments or at the request of the government to which they were accredited, for violating proprieties of this kind. The duties which a diplomatic representative owes his own government and people are more numerous and important. First of all, he is sent abroad to represent his own country and to advance in every respect its interests and those of its people in the country to which he is accredited. He is expected to watch over the interests of his own countrymen,

to see that their rights are not unjustly infringed upon, that in case they are charged with crime they are given a fair trial in the courts, that the provisions of treaties are observed, and the like. He may be called upon to negotiate a treaty with the government to which he is accredited, to prevent misunderstanding between the two countries, to settle disputes and to promote in every way friendly relations between his own country and that in which he resides. He is expected to keep his government fully informed of important political movements and changes and to report to it all happenings which in his judgment would be of interest to his country. The value to a country of a wise and tactful diplomatic representative may be inestimable. He may be the means of creating and maintaining friendly relations between the two countries and of preventing the outbreak of war which might make them perpetual enemies or which might seriously impair the commercial and other interests of his own country in that to which he has been sent. There have been a few persons in every country who believe that in consequence of modern facilities for rapid communication the maintenance of permanent resident representatives in other countries might now be done

away with, but this opinion does not take into consideration the increased necessity under modern conditions, of having permanent representatives in foreign countries and there seems little likelihood that the present practice will ever be abandoned.

The Consular Service.—Before the practice of sending ambassadors and ministers to reside in foreign countries had become established the custom of sending consuls abroad had grown up and become general. Consuls, unlike diplomatic representatives, are sent abroad to look after the commercial interests of their country and its citizens. Their duties are not diplomatic or political; they do not negotiate treaties or discuss international questions. They are largely trade missionaries and advance agents. They study commercial conditions, make reports, furnish information to manufacturers in their own countries, keep a lookout for trade opportunities and do what they can to extend the commercial interests of their own country in the country to which they are sent. They perform also a variety of other duties relating to the enforcement of the laws of their own country in respect to tariffs, health, immigration, seamen, the estates of deceased citizens, passports, etc. They are

sent to the principal cities and exporting centres of the various countries so that one may sometimes find a large number of consuls of a particular government in a single country. Unlike diplomatic representatives they are sent to colonies and dependencies as well as to independent states. Thus foreign consuls may be found in all the important cities of India and Canada whereas no diplomatic representatives are sent there. They do not, however, enjoy the same privileges and immunities that are accorded to diplomatic representatives. They are therefore subject to the law of the country and may even be arrested and sued in the courts. By international courtesy, however, their houses and archives are exempt from search and they are generally exempt from any interference or molestation that would interfere with the discharge of their duties.

Need of International Reorganisation.—In the early part of this chapter we spoke of the body of civilized states as it they constituted a "family." This analogy is to a large extent true but unfortunately their conduct toward one another is not always what the behavior between members of a family should be. At the head of the family there is usually a father whom the law allows to control the action of the children for their own good

and the good of the community, If they misbehave he may punish them, provided the punishment does not take the form of cruelty. Likewise the state may punish its citizens when they commit crime or violate the law and it has machinery for this purpose : sheriffs and policemen to apprehend and arrest them ; courts to try them and impose punishment when they are found guilty, jails and prisons in which to confine them and a hangman to take their lives if they commit what we call capital offences. But, as we have said, there is as yet no means and no machinery for trying and punishing a state which commits a wrong against another state. One state may go to war with another state for no just cause or for an insufficient reason, take its territory by right of conquest and acquire legal title to it and the other members of the family of nations must stand aside and look on without any right to interfere for the purpose of restraining the law-defying, law-breaking member as the community may do when an individual takes the law into his own hands and commits a crime against its authority. In other words, an independent state, in the last analysis, is above the law ; it is the judge of its own obligations and if it chooses it may settle its

own disputes by means of the sword without taking them into court as the individual is required to do and as law-abiding citizens are perfectly willing to do voluntarily. Now for a long time the idea has been taking root that such a system of international organization is wrong and that the same standard of conduct should be applied to states that we apply to individuals. Just as the individual is no longer allowed to make and enforce his own law, determine his own obligations and settle his own disputes by force, so states should not be permitted to be the judges of their own controversies with other nations and to settle those disputes by force without resort to judicial processes.

The League of Nations.—An effort to remedy to some extent this very unsatisfactory situation was made by the peace conference at Paris in 1919 following the close of the great war. It undertook to organize the states of the world into what is called a "League of Nations" of which most countries have already been invited to become members and many of which have joined. The covenant or treaty for the organization of the League makes it the duty of each member to try to settle any dispute which it may have with another nation by arbitration, that is, by referring

the dispute to a sort of international court just as individuals are required to submit their disputes to a court of their own country, Realizing that there are likely to be some states which would not observe their pledge to resort to this peaceful method of settling disputes the covenant provides that if any state goes to war with another state without first submitting its dispute to the tribunal of arbitration, the other members of the League shall regard such a war as an attack upon the rights of all of them and they will turn upon the covenant-breaking member, refuse to have any intercourse with it, refuse to allow it to buy arms, munitions and other supplies in their markets, or to use their ports, harbors, canals, cables, railroads, or to borrow money within their territory and the like. In short, such a state is to be treated somewhat as an outlaw is treated by the community and an effort made to restrain it by means of an economic boycott from carrying on a war which it has started without making an honest effort to settle it peaceably by recourse to judicial processes. It is safe to say that in the majority of cases such a boycott if strictly enforced by the other members of the League would effectively strangle the lawbreaking state and make it impossible for such a state to continue the war

thus begun. But the covenant goes still further and provides that in case this means of restraint should not prove effective the other members of the League shall be bound to employ their armed forces against the offending member and prevent it by force from carrying out its designs.

International Arbitration.—The principle underlying this arrangement would seem to be sound. Settlement of disputes between nations by arbitration rests on the same principle as the settlement of disputes between individuals through recourse to the courts. If the principle is wise and sound in the latter case it is equally so in the former. During the past century some 600 disputes between nations were in fact settled in this sensible manner. The United States, for example, has settled more than 90 controversies with other countries in this way and it has undoubtedly saved the nation from the horrors and expense of more than one war. The League of Nations covenant contains other provisions designed to prevent, so far as possible, the recurrence of wars in the future. Thus it obligates the members to reduce the size of their military and naval establishments, this on the principle that the maintenance of huge armies and navies has always been one of the most potent causes of war.

It also obligates the members of the League to guarantee the territorial integrity and political independence of every other member against foreign aggression. It will be admitted that this is a rather heavy obligation but it was believed to be necessary because it is well known that the majority of the wars of the past have arisen out of the spirit of aggression and the desire of territorial aggrandizement. The right of conquest must therefore be outlawed just as we have outlawed robbery, slavery and polygamy and self-seeking nations must be restrained by the common power of all from going to war with their neighbours for the purpose of acquiring their territory.

Value of the League of Nations -The League of Nations represents a most commendable effort to reorganize the world on a new international basis and it represents the mature judgment and thought of the wisest statesmen of the world. If it should prove to be the instrument of preventing a single great war, it will have more than justified itself. There are some, of course, who still believe that it is an impracticable scheme, but no one can determine in advance whether it will be a success or a failure. Many of the great achievements in the history of the past were regarded by some persons as impracticable at the time they

were proposed. If in the progress of mankind, we had proceeded on the principle that no great reform should be undertaken until its success had been demonstrated in advance civilization never would have made any advance. The only way to determine whether it will be a success is to put it into effect and give it a trial There are others still who fear that the obligations imposed by the League on its members will prove too burdensome and that they will in effect impair seriously the independence of the member-states composing the League. But manifestly no international progress can be possible unless the states which make up the family of nations are willing to assume obligations in the common interest. In fact the different states have assumed many obligations of one kind or another in the interest of the general welfare of all nations. They have entered into many treaties and great international conventions all of which impose obligations of one kind or another upon them. Without it the nations would still be living in a virtual state of tribalism to-day. It is of course true that the establishment of a League will limit in some degree the freedom of action of the states which join it but here again we must remember, that all international progress must come through the will-

ingness of states to surrender a part of their liberty of action for the general interest of all, just as it was necessary for the individual to surrender a portion of his liberty in order that he might have a system of government and law and of protection and security. It is believed that nothing vital will be surrendered by any state which joins the League, and that what is lost will be more than compensated for by the increased protection and security that membership in the League will bring to all. Finally, it may be remarked that the covenant allows any member to withdraw upon giving notice, provided it has fulfilled all its obligations, so that if any member finds that the obligations which it has assumed are too burdensome or that its loss of sovereignty outweighs the advantage of membership it may terminate those obligations by withdrawal from the League.

TEST QUESTIONS.

1 What is meant by the "family of nations." In what respects are the nations of the world interdependent upon one another to-day ? Would it be possible for a nation to live entirely to itself ?

2. What is international law ? How was it made ? How does it differ from national law ?

3. What is the chief weakness of international law ? By what means might it be strengthened ?

4. What is the diplomatic service ? What is the difference between an ambassador and a minister ? What are the duties of diplomatic representatives ?

5. What are some of their privileges and immunities ?

6. What are consuls ? What, in general, are their duties ? How do they differ from diplomatic representatives ? Are there any foreign consuls in India ?

7. Criticise the present system of international organization.

8. What is the League of Nations ? How is it organized ? What does it seek to accomplish ?

9. What are the means by which it proposes to prevent wars in the future ?

10. What do you understand by international arbitration ?

11. To what extent have nations resorted in the past to this method of settling disputes ?

12. In case the League of Nations should prove to be a success what will be the gain of the world from its establishment ?

END OF THE TEXT.

APPENDIX.

CONTENTS.

APPENDIX I. (*Important Sections of the Government of India Act*).

Sections 1, 2, 3, 5, 7, 9, 20(1), 21, 22, 29(A), 33, 34, 36, 40, 41, 43A, 45, 45A, 46, 47, 49, 50, 52, 63, 63A, 63B, 63C, 63D, 63E, 64, 65, 67, 67A, 67B, 68, 69, 71, 72, 72A, 72B, 72C, 72D, 72E, 80A, 80B, 80C, 81, 81A, 82, 84A, 129A, 131, 132, 134.

APPENDIX II. (*Important Sections of the Bengal Electoral Rules*).

Rules 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 33, 34, 36, 42, 43, 44, 45, 46 of the rules for the Election and Nomination of Members to the Bengal Legislative Council. (Government of India, Reforms Office, Notification No. 767-F, dated July 27, 1920).

APPENDIX III. (*Important Paragraphs of the Joint Committee's Report*).

Paras 4, 5, and 7 (portions dealing with clauses 1, 4, 6, 7, 9, 11, 20, 25, 28, 29, 30, 31, 33, 35, 36, 41).

APPENDIX I.

GOVERNMENT OF INDIA ACT.

(5 & 6 Geo. 5, Ch. 61 ; 6 & 7 Geo. 5, Ch. 37 ; and 9 & 10 Geo. 5, Ch. 101).

—o—

An Act to consolidate enactments relating to the Government of India.

PART I.

HOME GOVERNMENT.

1. GOVERNMENT OF INDIA BY THE CROWN. The territories for the time being vested in His Majesty in India are governed by and in the name of His Majesty the King Emperor of India, and all rights which, if the Government of India Act, 1858, had not been passed, might have been exercised by the East India Company in relation to any territories, may be exercised by and in the name of His Majesty as rights incidental to the government of India.

2. THE SECRETARY OF STATE. (1) Subject to the provisions of this Act, the Secretary of State has and performs all such or the like powers and duties relating to the government or revenues of India, and has all such or the like powers over all officers appointed or continued under this Act, as, if the Government of India Act, 1858, had not been passed, might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of that

Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India, in relation to that government or those revenues and the officers and servants of that Company, and also all such powers as might have been exercised by the said Commissioners alone.

(2) In particular, the Secretary of State may, subject to the provisions of this Act or rules made thereunder, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of India, and all grants of salaries, gratuities and allowances, and all other payments and charges, out of or on the revenues of India.

(3) The salary of the Secretary of State shall be paid out of monies provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of monies provided by Parliament.

3. THE COUNCIL OF INDIA. (1) The Council of India shall consist of such number of members, not less than eight and not more than twelve, as the Secretary of State may determine:

Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

(2) The right of filling any vacancy in the Council shall be vested in the Secretary of State.

(3) Useless at the time of an appointment to fill a vacancy in the Council one half of the then existing members of the Council are persons who have served or resided in India for at least ten years, and have not last left India more than five years before the date of their appointment, the person appointed to fill the vacancy must be so qualified.

(4) Every member of the Council shall hold office

except as by this section provided, for a term of five years:

Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed.

(5) The Secretary of State may, for special reasons of public advantage, re-appoint for a further term of five years any member of the Council whose term of office has expired. In any such case the reasons for the re-appointment shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament. Save as aforesaid, a member of the Council shall not be capable of re-appointment.

(6) Any member of the Council may, by writing signed by him, resign his office. The instrument of resignation shall be recorded in the minutes of the Council.

(7) Any member of the Council may be removed by His Majesty from his office on an address of both Houses of Parliament.

(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds:

Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament.

(9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such

period, be reckoned as service under the Crown in India whilst resident in India.

5. DUTIES OF COUNCIL. The Council of India shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India.

7. PRESIDENT AND VICE-PRESIDENT OF COUNCIL.

(1) The Secretary of State shall be the president of the Council of India, with power to vote.

(2) The Secretary of State in Council may appoint any member of the Council to be vice-president thereof and the Secretary of State may at any time remove any person so appointed.

(3) At every meeting of the Council the Secretary of State, or, in his absence, the vice-president, if present, or, in the absence of both of them, one of the members of Council, chosen by the members present at the meeting, shall preside

9. PROCEDURE AT MEETINGS (1) At any meeting of the Council of India at which the Secretary of State is present, if there is a difference of opinion on any question, except a question with respect to which a majority of votes at a meeting is by this Act declared to be necessary, the determination of the Secretary of State shall be final.

(2) In case of an equality of votes at any meeting of the Council, the person presiding at the meeting shall have a second or casting vote.

(3) All acts done at a meeting of the Council in the absence of the Secretary of State shall require the approval in writing of the Secretary of State.

(4) In case of difference of opinion on any question decided at a meeting of the Council, the Secretary of State may require that his opinion and the reasons for it be entered in the minutes of the proceedings, and any member of the Council, who has been present at

the meeting, may require that his opinion, and any reasons for it that he has stated at the meeting, be also entered in like manner.

PART II

THE REVENUES OF INDIA.

20. APPLICATION OF REVENUES (1) The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this Act, be applied for the purposes of the government of India alone

21. CONTROL OF SECRETARY OF STATE OVER EXPENDITURE OF REVENUES. Subject to the provisions of this Act, and rules made thereunder, the expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of those revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India :

Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council shall be deemed to be made with the concurrence of a majority of such votes.

22 APPLICATION OF REVENUES TO MILITARY OPERATIONS BEYOND THE FRONTIER. Except for preventing or repelling actual invasion of His Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defraying the expenses of any military operations carried on beyond the external frontiers of those possessions by His Majesty's forces charged upon those revenues.

PART III.

PROPERTY, CONTRACTS AND LIABILITIES.

29A. HIGH COMMISSIONER FOR INDIA. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under this Act or otherwise, in relation to making contracts and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government.

PART IV.

GENERAL POWERS AND DUTIES OF GOVERNOR-GENERAL IN COUNCIL.

33. POWERS OF CONTROL OF GOVERNOR-GENERAL IN COUNCIL. Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military government of India is vested in the Governor-General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State.

34. THE GOVERNOR-GENERAL. The Governor-General of India is appointed by His Majesty by warrant under the Royal Sign Manual.

36. MEMBERS OF COUNCIL. (1) The members of the Governor-General's executive council shall be appointed by His Majesty by warrant under the Royal Sign Manual.

(2) The number of the members of the council shall be such as His Majesty thinks fit to appoint.

(3) Three at least of them must be persons who have been for at least ten years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a High Court of not less than ten years' standing.

(4) If any member of the council other than the Commander-in-chief for the time being of His Majesty's forces in India is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member hold military command or be employed in actual military duties.

(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's executive council in any case where such provision is not made by the foregoing provisions of this section.

40. BUSINESS OF GOVERNOR-GENERAL IN COUNCIL

(1) All orders and other proceedings of the Governor-General in Council shall be expressed to be made by the Governor-General in Council, and shall be signed by a secretary to the Government of India, or otherwise as the Governor-General in Council may direct and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council.

(2) The Governor-General may make rules and orders for the more convenient transaction of business in his executive council, and every order made, or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Governor-General in Council.

41. PROCEDURE IN CASE OF DIFFERENCE OF OPINION.

(1) If any difference of opinion arises on any question brought before a meeting of the Governor-General's executive council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally

divided, the Governor-General or other person presiding shall have a second or casting vote

(2) Provided that whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the Governor-General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the council have recorded on the subject.

(4) Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of his council.

43A. APPOINTMENT OF COUNCIL SECRETARIES.

(1) The Governor-General may at his discretion appoint from among the members of the Legislative Assembly, council secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature.

(3) A council secretary shall cease to hold office if he ceases for more than six months to be a member of the Legislative Assembly.

PART V.

LOCAL GOVERNMENTS.

45. RELATION OF LOCAL GOVERNMENTS TO GOVERNOR-GENERAL IN COUNCIL. (1) Subject to the provisions of this Act and rules made thereunder every local government shall obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province.

The authority of a local government is not superseded by the presence in its province of the Governor-General.

45A CLASSIFICATION OF CENTRAL AND PROVINCIAL SUBJECTS. (1) Provision may be made by rules under this Act -

(*a*) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature ;

(*b*) for the devolution of authority in respect of provincial subjects, to local governments, and for the allocation of revenues or other moneys to those governments ;

(*c*) for the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency ; and

(*d*) for the transfer from among the provincial subjects of subjects in this Act referred to as "transferred subjects" to the administration of the governor acting with ministers appointed under this Act, and for the

allocation of revenues or moneys for the purpose of such administration,

(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

(*i*) regulate the extent and conditions of such devolution, allocation, and transfer ;

(*ii*) provide for fixing the contributious payable by local governments to the Governor-General in Council and making such contributions a first charge on allocated revenues or moneys ;

(*iii*) provide for constituting a finance department in any province, and regulating the functions of that department ;

(*iv*) provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein ;

(*v*) provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject, and for the treatment of matters which affect both a transferred subject and a subject which is not transferred ; and

(*vi*) make such consequential and supplemental provisions as appear necessary or expedient :

Provided that without prejudice to any general power of revoking or altering rules under this Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under this Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under this Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified.

(4) The expressions "central subjects" and "provincial subjects" as used in this Act mean subjects so classified under the rules.

Provincial subjects, other than transferred subjects, are in this Act referred to as "reserved subjects."

46. LOCAL GOVERNMENT IN GOVERNORS' PROVINCES. (1) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as, the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects, (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act.

The said presidencies and provinces are in this Act referred to as "governors' provinces" and the two first named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual, and the governors of the said provinces shall be so appointed after consultation with the Governor-General.

(3) The Secretary of State may, if he thinks fit, by order revoke or suspend, for such period as he may direct, the appointment of a council for any or all of the governors' provinces; and whilst any such order is in force the governor of the province to which the order refers shall have all the powers of the Governor thereof in Council.

47. MEMBERS OF GOVERNORS' EXECUTIVE COUNCILS.

(1) The members of a governor's executive council shall be appointed by His Majesty by warrant under the Royal Sign Manual, and shall be of such number, not exceeding four, as the Secretary of State in Council directs.

(2) One at least of them must be a person who

at the time of his appointment has been for at least twelve years in the service of the Crown in India.

(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section,

49. BUSINESS OF GOVERNOR IN COUNCIL AND GOVERNOR WITH MINISTERS. (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province, and shall be authenticated as the governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government:

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any other rules made under this Act shall, to the extent of that repugnancy, but not otherwise, be void.

50. PROCEDURE IN CASE OF DIFFERENCE OF OPINION IN EXECUTIVE COUNCIL. (1) If any difference of opinion arises on any question brought before a meeting

of a governor's executive council, the Governor in Council shall be bound by the opinion and decision of the majority of those present, and if they are equally divided the governor or other person presiding shall have a second or casting vote.

(2) Provided that, whenever any measure is proposed before a Governor in Council whereby the safety, tranquillity or interests of his province, or of any part thereof, are or may be, in the judgment of the governor, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor may, on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case the governor and the members of the council present at the meeting shall mutually exchange written communications (to be recorded at large in their secret proceedings) stating the grounds of their respective opinions, and the order of the governor shall be signed by the governor and by those members.

(4) Nothing in this section shall empower a governor to do anything which he could not lawfully have done with the concurrence of his council.

52. APPOINTMENT OF MINISTERS AND COUNCIL SECRETARIES. (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure.

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

(2) No minister shall hold office for a longer period

than six months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice :

Provided that rules may be made under this Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(4) The governor of a governor's province may at his discretlon appoint from among the non-official members of the local legislature, council secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers as he may assign to them.

There shall be paid to council secretaries so apointed such salary as may be provided by vote of the legislative council

A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

PART VI.

INDIAN LEGISLATION.

63. INDIAN LEGISLATURE. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

63A. COUNCIL OF STATE. (1) The Council of State shall consist of not more than sixty members nominatedd or elected in accordance with rules made under this Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

63B. LEGISLATIVE ASSEMBLY. (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under this Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred:

Provided that rules made under this Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-sevenths of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Leglslative Assembly, and may for that purpose require the attendance of its members.

63C. PRESIDENT OF LEGISLATIVE ASSEMBLY. (1) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General, and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General:

Provided that, if at the expiration of such period of four years the Assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

(2) There shall be a deputy-president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor-General, or may be removed from office by order of the Governor-General, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(5) A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and the case of an elected president and a deputy-president by Act of the Indian legislature.

63D. DURATION AND SESSIONS OF LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE. (1) Every Council of State shall continue for five years, and every Legislative Assembly for three years from its first meeting:

Provided that—

(*a*) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(*b*) any such period may be extended by the

Governor-General if in special circumstances he so think fit; and

(c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or with the sanction of the Secretary of State not more than nine months, after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

63E. MEMBERSHIP OF BOTH CHAMBERS. (1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

(3) If any person is elected a member of both chambers of the Indian legislature he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

64. SUPPLEMENTARY PROVISIONS AS TO COMPOSITION OF LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE.

(1) Subject to the provisions of this Act, provision may be made by rules under this Act as to –

(*a*) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise ; and

(*b*) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly ; and

(*c*) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto ; and

(*d*) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly ; and

(*e*) the final decision of doubts or disputes as to the validity of an election ; and

(*f*) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly.

65. POWERS OF INDIAN LEGISLATURE. (1) The Indian legislature has power to make laws—

(*a*) for all persons, for all courts and for all places and things, within British India ; and

(*b*) for all subjects of His Majesty and servants of the Crown within other parts of India ; and

(*c*) for all native Indian subjects of His Majesty, without and beyond as well as within British India ; and

(*d*) for the government officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act ; and

(*e*) for all persons employed or serving in or belonging to the Royal Indian Marine Service ; and

(*f*) for repealing or altering any laws which for the time being are in force in any part of British India or apply to persons for whom the Indian legislature has power to make laws.

(2) Provided that the Indian legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—

(*i*) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India (including the Army Act, the Air Force Act, and any Act amending the same) ; or

(*ii*) any Act of Parliament enabling the Secretary of State in Council to raise money in the United Kingdom for the government of India ; and has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.

(3) The Indian legislature has not power, without the previous approval of the Secretary of State in Council, to make any law empowering any court, other than a high court, to sentence to the punishment of death any of His Majesty's subjects born in Europe,

or the children of such subjects, or abolishing any high court.

67, BUSINESS AND PROCEEDINGS IN INDIAN LEGISLATURE. (1) Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

(2) It shall not be lawful, without the previous sanction of the Governor-General, to introduce at any meeting of either chamber of the Indian legislature any measure affecting –

(*a*) the public debt or public revenues of India or imposing any charge on the revenues of India; or

(*b*) the religion or religious rites and usages of any class of British subjects in India; or

(*c*) the discipline or maintenance of any part of His Majesty's military, naval, or air forces; or

(*d*) the relations of the Government with foreign princes or states: or any measure –

(*i*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature; or

(*ii*) repealing or amending any Act of a local legislature; or

(*iii*) repealing or amending any Act or ordinance made by the Governor-General.

(2*a*) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amend-

ment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of this Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as apppear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor-General in Council, but may with the consent of the Governor-General be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

67A. INDIAN BUDGET. (1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

(*i*) interest and sinking fund charges on loans ; and

(*ii*) expenditure of which the amount is prescribed by or under any law ; and

(*iii*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(*iv*) salaries of chief commissioners and judicial commissioners ; and

(*v*) expenditure classified by the order of the Governor-General in Council as—(*a*) ecclesiastical ; (*b*) political ; (*c*) defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in

Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

67B. PROVISION FOR CASE OF FAILURE TO PASS LEGISLATION. (1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof, and thereupon—

(*a*) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General ; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

68. ASSENT OF GOVERNOR-GENERAL TO BILLS.

(1) When a Bill has been passed by both chambers of the Indian legislature, the Governor-General, may declare that he assents to the Bill, or that he withholds assent from the Bill, or that he reserves the Bill for the signification of His Majesty's pleasure thereon.

(2) A Bill passed by both chambers of the Indian legislature shall not become an Act until the Governor-General has declared his assent thereto, or, in the case of a Bill reserved for the signification of His Majesty's pleasure, until His Majesty in Council has signified his

assent, and that assent has been notified by the Governor-General.

69. POWERS OF CROWN TO DISALLOW ACTS.

(1) Where an Act of the Indian legislature has been assented to by the Governor-General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the Governor-General shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

· 71. POWER TO MAKE REGULATIONS. (1) The local Government of any part of British India to which this section for the time being applies may propose to the Governor-General in Council the draft of any regulation for the peace and good government of that part with the reasons for proposing the regulation.

(2) Thereupon the Governor-General in Council may take any such draft and reasons into consideration and when any such draft has been approved by the Governor-General in Council and assented to by the Governor-General, it shall be published in the *Gazette of India* and in the local official gazette, if any, and shall thereupon have the like force of law and be subject to the like disallowance as if it were an Act of the Indian legislature.

(3) The Governor-General shall send to the Secretary of State in Council an authentic copy of every regulation to which he has assented under this section.

(3*a*) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer

appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory.

(4) The Secretary of State may, by resolution in council, apply this section to any part of British India as from a date to be fixed in the resolution, and withdraw the application of this section from any part to which it has been applied.

72. POWER TO MAKE ORDINANCES IN CASE OF EMERGENCY. The Governor-General may, in cases of emergency, make and promulgate ordinances for the peace and good government of British India or any part there of, and any ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian legislature but the power of making ordinances under this section is subject to the like restrictions as the power of the Indian legislature to make laws ; and any ordinance made under this section is subject to the like disallowance as an Act passed by the Indian legislature and may be controlled or superseded by any such Act.

LOCAL LEGISLATURES.

72A. COMPOSITION OF GOVERNOR'S LEGISLATIVE COUNCILS. (1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of the members nominated or elected as provided by this Act.

The governor shall not be a member of the legislative council, but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(2) The number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act ; and of the members of each council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members :

Provided that—

(*a*) subject to the maintenance of the above proportions, rules under this Act may provide for increasing the number of members of any council, as specified in that schedule ; and

(*b*) the governor may, for the purposes of any Bill introduced or proposed to be introduced in this legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the council, and shall be in addition to the numbers above referred to ; and

(*c*) members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the legislative council of Central Provinces.

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

(4) Subject as aforesaid, provision may be made by rules under this Act as to—

(*a*) the term of office of nominated members of governors' legislative councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise ; and

(*b*) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils ; and

(*c*) the qualification of electors, the constitution of constituencies, and the method of election for governors' legislative councils, including the number of members to be elected by communal and other elec-

torates, and any matters incidental or ancillary thereto ; and

(*d*) the qualifications for being and for being nominated or elected a member of any such council ; and

(*e*) the final decision of doubts or disputes as to the validity of any election ; and

(*f*) the manner in which the rules are to be carried into effect :

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.

(5) Subject to any such rules any person who is a ruler or subject of any State in India may be nominated as a member of a governor's legislative council.

72B. SESSIONS AND DURATION OF GOVERNORS' LEGISLATIVE COUNCILS. (1) Every governor's legislative council shall continue for three years from its first meeting :

Provided that—

(*a*) the council may be sooner dissolved by the governor ; and

(*b*) the said period may be extended by the governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit ; and

(*c*) after the dissolution of the council the governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the council.

(2) A governor may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council.

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding.

(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

72C PRESIDENTS OF GOVERNORS' LEGISLATIVE COUNCILS. (1) There shall be a president of a governor's legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor:

Provided that, if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session.

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor.

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor, and may be re-

moved from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by Act of the local legislature.

72D. BUSINESS AND PROCEDURE IN GOVERNORS' LEGISLATIVE COUNCILS. (1) The provisions contained in this section shall have effect with respect to business and procedure in governors' legislative councils.

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demand for grants. The council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed :

Provided that—

(*a*) the local government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject ; and

(*b*) the governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department ; and

(*c*) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made

except on the recommendation of the governor, communicated to the council.

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the council relating to the following heads of expenditure :—

(*i*) contributions payable by the local government to the Governor-General in Council ; and

(*ii*) interest and sinking fund charges on loans; and

(*iii*) expenditure of which the amount is prescribed by or under any law ; and

(*iv*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(*v*) salaries of judges of the high court of the province and of the advocate-general.

(4) If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the governor shall be final.

(5) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(6) Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council, and as to the persons to preside over meetings thereof in the absence of the president and deputy-president, and the preservation of order at meetings ; and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions

on and the discussion of any subject specified in the rules.

(7) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the governor in council, but may, subject to the assent of the governor, be altered by the local legislature. Any standing order made as aforesaid, which is repugnant to the provisions of any rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void.

(8) Subject to the rules and standing orders affecting the council, there shall be freedom of speech in the governors' legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council, or by reason of anything contained in any official report of the proceedings of any such council.

72E. PROVISION FOR CASE OF FAILURE TO PASS LEGISLATION IN GOVERNORS' LEGISLATIVE COUNCILS.

(1) Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall on signature by the governor become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His

Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall as soon as practicable after being made be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

80A. POWERS OF LOCAL LEGISLATURES. (1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) Imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under this Act; or

(*b*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-

General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty ; or

(*c*) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces ; or

(*d*) affecting the relations of the government with foreign princes or states ; or

(*e*) regulating any central subject ; or

(*f*) regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies ; or

(*g*) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force ; or

(*h*) altering or repealing the provisions of any law which, having been made before the commencement of the Government of India Act, 1919, by any authority in British India other than that local legislature, is declared by rules under this Act to be a law which cannot be repealed or altered by the local legislature without previous sanction ; or

(*i*) altering or repealing any provision of an Act of the Indian legislature made after the commencement of the Government of India Act, 1919, which by the provisions of such first-mentioned Act may not be repealed or altered by the local legislature without previous sanction :

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(4) The local legislature of any province has not

power to make any law affecting any Act of Parliament.

80B. VACATION OF SEATS IN LOCAL LEGISLATIVE COUNCIL.—An official shall not be qualified for election as a member of a local legislative council, and if any non-official member of a local legislative council, whether elected or nominated, accepts any office in the service of the Crown in India, his seat on the council shall become vacant:

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister.

80C. FINANCIAL PROPOSALS. It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the governor, lieutenant-governor or chief commissioner, any measure affecting the public revenues of a province, or imposing any charge on those revenues.

81. ASSENT TO BILLS, (1) When a Bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner, may declare that he assents to or withholds his assent from the Bill.

(2) If the governor, lieutenant-governor or chief commissioner withholds his assent from any such Bill, the Bill shall not become an Act.

(3) If the governor, lieutenant-governor or chief commissioner assents to any such Bill, he shall forthwith send an authentic copy of the Act to the Governor-General, and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to, and published by, the governor, lieutenant-governor or chief commissioner.

(4) Where the Governor-General withholds his assent from any such Act, he shall signify to the governor, lieutenant-governor or chief commissioner in writing his reason for so withholding his assent.

81. RETURN AND RESERVATION OF BILLS. (1) Where a Bill has been passed by a local legislative council the governor, lieutenant-governor or chief commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, raturn the Bill to the council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under this Act, may, and if the rules so require, shall, reserve the Bill for the consideration of the Governor-General.

(2) Where a Bill is reserved for the consideration of the Governor-General, the following provisions shall apply :—

(*a*) The governor, lieutenant-governor or chief commissioner may, at any time within six months from the date of the reservation of the Bill, with the consent of the Governor-General, return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto :

(*b*) After any Bill so returned has been further considered by the council, together with any recommendations made by the governor, lieutenant-governor or chief commissioner relating thereto, the Bill, if reaffirmed with or without amendment, may be again presented to the governor, lieutenant-governor or chief commissioner :

(*c*) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner, but if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—

(*i*) the Bill has been returned by the governor, lieutenant-governor or chief commissioner for further consideration by the council ; or

(*ii*) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

(3) The Governor-General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General.

82. POWER OF CROWN TO DISALLOW ACTS OF LOCAL LEGISLATURES. (1) When an Act has been assented to by the Governor-General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of the Act.

(2) Where the disallowance of an Act has been so signified, the governor, lieutenant-governor or chief commissioner shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

PART VIA.

STATUTORY COMMISSION.

84A. STATUTORY COMMISSION. (1) At the expiration of ten years after the passing of the Government of India Act, 1919, the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the com-

mission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

PART XII.

SUPPLEMENTAL.

129A. PROVISIONS AS TO RULES. (1) Where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

(2) Any rules made under this Act may be so framed as to make different provision for different provinces.

(3) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and

in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications and additions to which both Houses agree, but upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

131. SAVINGS : SAVING AS TO CERTAIN RIGHTS AND POWERS. (1) Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the government of India.

(2) Nothing in this Act shall affect the power of Parliament to control the proceedings of the Governor-General in Council, or to repeal or alter any law made by any authority in British India, or to legislate for British India and the inhabitants thereof.

(3) Nothing in this Act shall affect the power of the Indian legislature to repeal or alter any of the provisions mentioned in the Fifth Schedule to this Act, or the validity of any previous exercise of this power.

132. TREATIES, CONTRACTS AND LIABILITIES OF EAST INDIA COMPANY. All treaties made by the East India Company, so far as they are in force at the commencement of this Act, are binding on His Majesty, and all contracts made and liabilities incurred by the East India Company may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Secretary of State in Council.

134. DEFINITIONS. In this Act, unless the context otherwise requires,—

(1) "Governor-General in Council" means the Governor-General in Executive Council ;

(2) "governor in council" means a governor in executive council ;

(3) "lieutenant-governor in council" means a lieutenant-governor in executive council ;

(4) "local government" means, in the case of a governor's province, the governor in council or the governor acting with ministers (as the case may require) and, in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner ;

"local legislative council" includes the legislative council in any governor's province, and any other legislative council constituted in accordance with this Act ;

"local legislature" means, in the case of a governor's province, the governor and the legislative council of the province, and, in the case of any other province, the lieutenant-governor or chief commissioner in legislative council ;

(5) "office" includes place and employment ;

(6) "province" includes a presidency ; and

(7) references to rules made under this Act include rules or regulations made under any enactment hereby repealed, until they are altered under this Act.

The expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil and military service of the Crown in India :

Provided that rules under this Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of this Act, or any of them, as officials.

FIRST SCHEDULE.

Section 72A.

NUMBERS OF MEMBERS OF LEGISLATIVE COUNCILS.

LEGISLATIVE COUNCIL.	Number of Members.
Madras	118
Bombay	111
Bengal	125
United Provinces	118

Legislative Council.	Number of Members
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

FIFTH SCHEDULE.

Section 131 (3).

PROVISIONS OF THIS ACT WHICH MAY BE REPEALED OR ALTERED BY THE INDIAN LEGISLATURE.

Section.	Subject.
62	Power to entend limits of presidency towns.
106	Jurisdiction, powers and authority of high courts.
108 (1)	Exercise of jurisdiction of high court by single judges or division courts.
109	Power for Governor-General in Council to alter local limits of jurisdiction of high courts, etc.
110	Exemption from jurisdiction of high courts.
111	Written order by Governor-General in Council a justification for act in high court.

Section.	Subject.
112	Law to be administered in cases of inheritance, succession, contract and dealing between party and party.
114 (2)	Powers of advocate-general.
124 (1)	Oppression.
124 (4)—so far as it relates to persons employed or concerned in the collection of revenue or the administration of justice.	Trading.
124 (5)—so far as it relates to persons other than the Governor-General, a governor, or a member of the Executive Council of the Governor-General or of a governer.	Receiving presents.
125	Loans to princes or chiefs.
126.	Carrying on dangerous correspondence.
128	Limitation for prosecutions in British India.
129	Penalties.

APPENDIX II.

Rules for the election and nomination of members to the Bengal Legislative Council, for the qualification of electors and members, the constitution of Constituencies and the final decision of doubts and disputes as to the validity of elections.

PART I.

COMPOSITION OF COUNCIL AND CONSTITUENCIES.

3. COMPOSITION OF LEGISLATIVE COUNCIL. The Legislative Council of the Governor of Bengal shall consist of—

(1) the members of the Executive Council *ex-officio* ;

(2) one hundred and thirteen elected members ;

(3) such number of members nominated by the Governor as, with the addition of the members of the Executive council, shall amount to twenty-six ; of the members so nominated—

(*a*) not more than eighteen may be officials and not less than six shall be non-officials, and

(*b*) two shall be persons nominated to represent respectively the following classes or interests, namely :—

(*i*) the Indian Christian community, and

(*ii*) classes which, in the opinion of the Governor, are depressed classes, and

(*c*) two shall be persons nominated to represent the labouring classes.

PART II.

QUALIFICATIONS OF ELECTED MEMBERS.

5. GENERAL DISQUALIFICATIONS FOR BEING ELECTED.

(1) A person shall not be eligible for election as a member of the Council if such person –

(*a*) is not a British subject ; or (*b*) is a female ; or (*c*) is already a member of the Council or of any other legislative body constituted under the Act ; or (*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or (*e*) has been adjudged by a competent court to be of unsound mind ; or (*f*) is under 25 years of age ; or (*g*) is an undischarged insolvent ; or (*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years

from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

6. SPECIAL QUALIFICATIONS FOR ELECTION IN CASE OF CERTAIN CONSTITUENCIES. (1) (*a*) No person shall be eligible for election as a member of the Council to represent a general constituency unless his name is registered on the electoral roll of the constituency or of any other constituency in the province ; and unless in the case of a non-Muhammadan, Muhammadan, European or Anglo-Indian constituency he is himself a non-Mohammadan, Muhammadan, European or Anglo-Indian, as the case may be.

(*b*) No person shall be eligible for election as a member of the Council to represent a special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Muhammadan, Muhammadan, European or Anglo-Indian constituency ; and

(*b*) "special constituency" means a Landholders', University, or Commerce and Industry constituency.

PART III.

THE ELECTORAL ROLL.

7. GENERAL CONDITIONS OF REGISTRATION AND DISQUALIFICATIONS. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

(*a*) is not a British subject ; or (*b*) is a female ; or (*c*) has been adjudged by a competent court to be of unsound mind ; or (*d*) is under 21 years of age :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects :

Provided further that, if a resolution is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported

as guilty of a corrupt practice as specified in Part I, or in paragraph 1,2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the elctoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the local Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

8. QUALIFICATIONS OF ELECTORS. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(*i*) community, (*ii*) residence, and (*iii*) (*a*) occupation of a building, or (*b*) payment of municipal or cantonment taxes or fees, or (*c*) payment of cesses under the Cess Act, 1880, or (*d*) payment of chaukidari tax or union rate under the Village-Chaukidari Act, 1870, or the Bengal Village Self-Government Act, 1919, or (*e*) payment of income-tax, or (*f*) military service, or (*g*) the holding of land, as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. ELECTORAL ROLL. (I) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time

within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;

(2) the time at which the roll shall be prepared;

(3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;

(4) the mode in which and the time within which claims and objections may be preferred;

(5) the constitution and appointment of Revising Authorities to dispose of claims and objections;

(6) the manner in which notices of claims or objections shall be published;

(7) the place, date, and time at which and the manner in which claims or objections shall be heard; and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the local Government may by regulation prescribe,

and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

10. Right to Vote. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency : provided that no person shall vote in more than one general constituency.

Part IV.

ELECTIONS.

11. Nomination of Candidates. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment, to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

12, Procedure at Election. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the local Government may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members, as the case may be.

(4) Votes shall be given by ballot and in general constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate :

Provided that in the Presidency and Burdwan (European) constituency the election shall be made according to the principle of proportional representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the local Government.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and any candidate or, in the absence of the candidate, a representative duly authorised by him in writing shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to be elected:

Provided that in the Presidency and Burdwan (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist

between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

13. GOVERNMENT TO MAKE REGULATIONS REGARDING THE CONDUCT OF ELECTION. (1) Subject to the provisions of these rules, the local Government shall make regulations providing—

(1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;

(2) for the appointment of a Returning Officer for each constituency and for his powers and duties;

(3) in the case of general constituencies, for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and for the appointment of polling stations for these areas;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers;

(5) for the checking of voters by reference to the electoral roll;

(6) for the manner in which votes are to be given, and in particular for the case of illiterate voter or voters under physical or other disability;

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;

(8) for the scrutiny of votes;

(9) for the safe custody of ballot papers and other

election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers; and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) Notwithstanding anything in these rules, if a resolution in favour of the introduction of proportional representation is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, the local Government may for any plural-member constituencies introduce the method of election by means of the single transferable vote and may make all necessary regulations for that purpose and to that end may group together single-member constituencies so as to make new plural-member constituencies.

(3) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

14. MULTIPLE ELECTIONS. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such persons to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(3) When any such choice has been made, the Gov-

ernor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the elections of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

Election Agents and Return of Expenses.

15. DISQUALIFICATION FOR BEING ELECTION AGENT. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentiontd in sub-rule (3) or sub-rule (4) of rule 5.

16. REVOCATION OF APPOINTMENT OF ELECTION AGENT. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in a writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

17. RETURN OF ELECTION EXPENSES. (1) Within one month or such longer period as the Governor may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election,

and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule III and shall be made on oath or affirmation before a Magistrate.

(4) The local Government shall cause to be prepared in such manner, and maintained for such time, as it may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

18. FIXATION OF MAXIMUM ELECTION EXPENSES.

(1) The Governor-General in Council may by notification in the Gazette,—

(*a*) fix maximum scales of election expenses, which shall be applicable to any election held after the first election under these rules ; and

(*b*) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

19. ACCOUNTS OF AGENTS Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 17 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

NOMINATED MEMBERS.

20. GENERAL DISQUALIFICATIONS FOR NOMINATION.

(1) No person shall be nominated to the Council who—

(*a*) is not a British subject ; or (*b*) is a female ; or (*c*)

is already a member of the Council or of any other legislative body constituted under the Act ; or (*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or (*e*) has been adjudged by a competent court to be of unsound mind ; or (*f*) is under 25 years of age ; er (*g*) is an undischarged insolvent ; or (*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for nomination by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the local Government in this behalf

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and

a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

21. TERMS OF OFFICE OF NOMINATED MEMBER.

(1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

PART VI.

GENERAL PROVISIONS.

Obligation to take Oath.

22. TAKING OF OATH. Every person who is elected or nominated to be a member of the Council, shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B., having been elected/nominated a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors,

and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of Seat.

23. EFFECT OF SUBSEQUENT DISABILITIES OR FAILURE TO TAKE OATH. (1) If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*) and (*h*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 20, as the case may be, or fails to make the oath or affirmation prescribed by rule 22 within such time as the Governor considers reasonable, the Governor shall, by notification in the Gazette, declare his seat to be vacant.

(2) When any such declaration is made, the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification, or shall nominate another person, as the case may be.

24. CASUAL VACANCIES. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

29. THE ELECTION PETITION. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

30. PRESENTATION OF THE PETITION. An election petition may be presented to the Governor by any candidate or elector against any returned candidate within

fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.

33. DEPOSIT OF SECURITY. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

34. DISMISSAL FOR DEFAULT. (1) If the provisions of rule 33 are not complied with, the Governor shall dismiss the petition.

(2) Upon compliance with the provisions of rule 33—

(*a*) the Governor shall appoint as Commissioners for the trial of the petition three persons who are or have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(*b*) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

36. PLACE OF INQUIRY. The inquiry shall be held at such place as the Governor may appoint: provided that the Commissioners may in their discretion sit at any other place in the presidency for any part of the inquiry, and may depute any one of their number to take evidence at any place in the presidency.

42. GROUNDS AND DECLARING ELECTION VOID.

(1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

(*a*) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(*b*) any corrupt practice specified in Part I of Schedule IV has been committed, or

(*c*) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(*a*) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(*b*) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(*c*) the corrupt practices mentioned in the said re-

port were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.— For the purposes of this sub-rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

43. REPORT OF COMMISSIONERS AND PROCEDURE THEREON. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate or any other party to the petition who has under the provisions of these rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of rule 42.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor shall be final.

44. FORM OF REPORT. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

45. FINDINGS AS TO CORRUPT PRACTICES AND PERSONS GUILTY THEREOF. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candi-

date or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(*b*) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

PART VIII.

SPECIAL PROVISION.

46. INTERPRETATION IN CASE OF DOUBT. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor, and his decision shall be final.

SCHEDULE II

(*See Rule 8.*)

QUALIFICATIONS OF ELECTORS.

1. DEFINITIONS. In this Schedule—

(*a*) "an Anglo-Indian" means any person being a British subject and resident in British India,

(*i*) of European descent in the male line who is not a European, or

(*ii*) of mixed Asiatic and non-Asiatic descent whose father, grand-father or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European ;

(*b*) "a European" means any person of European descent in the male line, being a British subject and resi-

dent in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile ;

(*c*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

General Constituencies.

2. QUALIFICATIONS BASED ON COMMUNITY. A person shall be qualified as an elector--

(*a*) for a non-Muhammadan constituency who is neither a Muhammadan nor a European nor an Anglo-Indian, and

(*b*) for a Muhammadan, European or Anglo-Indian constituency according as he is a Muhammadan, European or Anglo-Indian :

Provided that such person possesses the further qualifications hereinafter prescribed for an elector of the particular constituency.

3. URBAN AND RURAL CONSTITUENCIES OTHER THAN CALCUTTA CONSTITUENCIES. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for an urban or rural constituency, other than a Calcutta constituency, who has a place of residence in the constituency and who—

(1) has paid, during and in respect of the previous year or, as the case may be, during and in respect of the Bengali year preceding that in which the electoral roll for the time being under preparation is first published under these rules,—

(*a*) in the municipalities of Howrah or Cossipore-Chitpure, municipal taxes or fees of not less than Rs. 3 or in any other municipal or cantonment area, municipal or cantonment taxes or fees of not less than Rs. 1-8-0, or

(*b*) road and public works cesses under the Cess Act., 1880, of not less than Re. 1, or

(*c*) chaukidari tax under the Village-Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 2, or

(*d*) income-tax ; or

(2) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

4. CALCUTTA CONSTITUENCIES. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a Calcutta constituency who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who—

(1) during the previous year—

(*i*) was entered in the muncipal assessment book as—

(*a*) the owner and occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 150 per annum, or

(*b*) the owner or occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 300 per annum : provided that no person shall be qualified in virtue of any of the above qualifications unless the owner and occupier's share, or the owner's or occupier's share, as the case may be, of the consolidated rate on such land or building for the aforesaid year has been paid during that year ; or

(*ii*) has paid in respect of that year on his sole account and in his own name not less than Rs. 24 either in respect of the consolidated rate levied under Chapter XII, or in respect of the taxes levied under Chapter XIII, or in respect of the taxes levied under Chapter XIV, of the Calcutta Municipal Act, 1899 : provided that, if any payment has been made in respect of the consolidated rate, a person shall be qualified only if his

name is entered in the municipal assessment book in respect of the payment ; or

(*iii*) has paid income-tax in respect of that year ; or

(2) is a retired, pensioned or discharged officer, noncommissioned officer or soldier of His Majesty's regular forces.

5. EUROPEAN CONSTITUENCIES Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a European constituency who has a place of residence in the constituency and has any of the qualifications prescribed for an elector of any urban or rural constituency included in the area of such European constituency.

6. THE ANGLO-INDIAN CONSTITUENCY. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector in the Anglo-Indian constituency who has a place of residence in Bengal and has any of the qualifications prescribed for an elector of any urban or rural constituency.

7. JOINT FAMILIES. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists ; and, if it does exist, the person qualified shall be the manager of the family.

8. FIDUCIARY CAPACITY. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity.

Special Constituencies.

9 LANDHOLDERS' CONSTITUENCY. A person shall be qualified as an elector for a Landholders' constituency who has a place of residence in the constituency and who during the previous year—

(*a*) in the case of the Burdwan Landholders' and Presidency Landholders' constituencies, held in his own

right as a proprietor one or more estates or shares of estates and paid in respect thereof land-revenue amounting to not less than Rs. 4,500, or road and public works cesses amounting to not less than Rs. 1,125, or,

(*b*) in the case of the Dacca Landholders', the Rajshahi Landholders' and the Chittagong Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land-revenue amounting to not less than Rs. 3,000 or road and public works cesses amounting to not less than Rs. 750.

10. DETERMINATION OF QUALIFICATION. In determining the qualification of a person as an elector for a Landholders' constituency—

(*a*) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;

(*b*) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;

(*c*) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right and not in a fiduciary capacity shall be taken into account;

(*d*) only land-revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;

(*e*) if a landholder pays land-revenue or cesses in two or more constituencies and his payments in no one of these constituencies reach the amount prescribed for that constituency, and if his payments in all the constituencies, when aggregated, are not less than the amount prescribed for one of these constituencies in

which he has a place of residence and pays land-revenue or cesses, he shall be qualified as an elector for that constituency, or, if there is more than one such constituency, for the constituency in which he makes the largest payment ;

(*f*) if the amount of land-revenue or road and public works cesses paid by a landholder in respect of any share of an estate or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

Explanation,—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

11. CALCUTTA UNIVERSITY CONSTITUENCY. A person shall be qualified as an elector for the Calcutta University constituency who has a place of residence in Bengal and is a member of the Senate or an Honorary Fellow of the University, or graduate of the University of not less than seven years' standing.

12. COMMERCE AND INDUSTRY CONSTITUENCIES. (1) Chamber members of the Bengal Chamber of Commerce and permanent members of the Indian Jute Mills Association, and of the Indian Tea Association, and of the Indian Mining Association shall be qualified respectively as electors for the constituency comprising the Chamber or Association of which they are such members : provided that no person shall be so qualified who has not a place of residence in India.

Explanation.—"Chamber member" and "permanent member" include any person entitled to exercise the rights and privileges of Chamber-membership or permanent membership, as the case may be, on behalf of any firm, company or other corporation registered as such member.

(2) Members of the Calcutta Trades Association,

life and ordinary members of Bengal National Chamber of Commerce, life and ordinary members of the Bengal Mahajan Sabha, and life, ordinary and mufassal members of the Marwari Association, Calcutta, shall be qualified respectively as electors for the constituency comprising the Association, Chamber or Sabha of which they are such members : provided that no person shall be so qualified who has not a place of residence in India.

Explanation.—"Member," "life member," "ordinary member" and "mufassal member" include—

(*a*) in the case of a firm, any one partner in the firm, or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and

(*b*) in the case of a company or other corporation any one manager, director or secretary of the company or corporation.

SCHEDULE III.

(*See Rule 17.*)

RETURN OF ELECTION EXPENSES.

1 Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling ;

(*e*) the cost whether paid or incurred of—

(*i*) printing, (*ii*) advertising, (*iii*) stationery, (*iv*) postage, (*v*) telegrams, and (*vi*) rooms hired either for public meetings or as committee rooms ;

(*f*) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 17 shall be as follows :—

Affidavit.

I, being the appointed election agent for a candidate for election in the constituency (or I being a candidate for election in the constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge

and belief been incurred in, and for the purposes of, 's candidature/my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(Magistrate.)

SCHEDULE IV.

(See Rules 5, 7, 18, 20, 31, 42 *and* 45.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

PART I.

1. BRIBERY. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) an elector to vote or refrain from voting at an election, or as a reward to—

(*a*) a person for having so stood or not stood or for having withdrawn his candidature, or

(*b*) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward ; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

2. UNDUE INFLUENCE. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

(2) The means above alluded to are—

(*a*) any violence, injury, restraint, or fraud and any threat thereof;

(*b*) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

3. PERSONATION. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

4. PUBLICATION OF FALSE STATEMENTS. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

5. AUTHORISATION OF EXPENDITURE. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of

any notification of the Governor-General in Council issued under rule 18 of these rules.

PART II.

1. ACTS UNDER PART I. Any act specified in Part I, when done by a person who is not candidate or his agent or person acting with the connivance of a candidate or his agent.

2. PRRSONATION. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(*a*) by a person to stand or not to stand as, or to withdraw from being, a candidate, or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

4. PAYMENT FOR CONVEYANCE. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

5. HIRING AND USE OF PUBLIC CONVEYANCES. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

6. INCURRING EXPENSE WITHOUT AUTHORITY. The incurring or authorisation of expenses by any person

other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

7. HIRING OF LIQUOR SHOPS. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

8. ISSUE OF CIRCULARS, ETC., WITHOUT PRINTER'S AND PUBLISHER'S NAME PRINTED THEREON. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

APPENDIX III

Report from the Joint Select Committee of the House of Lords and the House of Commons appointed to consider the Government of India Bill.

4. In the opinion of the Committee the plan proposed by the Bill is conceived wholly in this spirit, and interprets the pronouncement of the 20th August, 1917, with scrupulous accuracy. It partitions the domain of provincial government into two fields, one of which is made over to ministers chosen from the elected members of the provincial legislature while the other remains under the administration of a Governor-in-Council. This scheme has evoked apprehensions which are not unnatural in view of its novelty. But the Committee, after the most careful consideration of all suggested alternatives are of opinion that it is the best way of giving effect to the spirit of the declared policy of His Majesty's Government Its critics forget that the announcement spoke of a substantial step in the direction of the gradual development of self-governing institutions with a view to the progressive realisation of responsible government; and not of the partial introduction of responsible government; and it is this distinction which justifies the method by which the Bill imposes responsibility, both on Ministers to the legislative council and on the members of the legislative council to their constituents for the results of that part of the administration which is transferred to their charge.

5. Having weighed the evidence and information before them, the Committee have made a number of changes in the Bill. Those of a more detailed or miscellaneous character are briefly discussed below under the clauses to which they relate. Those which are directed to the avoidance of the difficulties and dangers

which have been pointed out, proceed on a simple and in the Committee's opinion, an indefeasible theory. That theory the Committee think it desirable to state at once. Ministers who enjoy the confidence of a majority in their legislative council will be given the fullest opportunity of managing that field of government which is entrusted to their care. In their work they will be assisted and guided by the Governor, who will accept their advice and promote their policy whenever possible. If he finds himself compelled to act against their advice, it will only be in circumstances roughly analogous to those in which he has to override his executive council—circumstances which will be indicated in the Instrument of Instructions furnished to him on his appointment by His Majesty. On the other hand, in and for that field of government in which Parliament continues to hold him responsible, the provincial Governor-in-Council will remain equipped with the sure and certain power of fulfilling that responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial government, but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities, and the members of his Executive Council their administrative experience, to the joint wisdom of the government. But while the Committee anticipate much advantage from amicable and, as far as possible, spontaneous association for purposes of deliberation they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administra-

tion. Each side of the government will advise and assist the other; neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them; and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament, the responsibility for action must be fixed on the Governor-in-Council, and he must possess unfailing means for the discharge of his duties. Finally, behind the provincial authorities stands the Government of India.

7. The Committee will now proceed to indicate the nature of the changes they have made in the Bill, and also their suggestions for action to be taken under it, either in the framing of rules or by executive process hereafter.

PREAMBLE.

The Preamble of the Bill, as drafted, was based on the announcement of His Majesty's Government in Parliament of the 20th August, 1917, and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire, and to the expediency of gradually developing self-governing institutions in India, and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not, however, deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration, and declared that the progress of this policy could only be achieved by successive stages, and that Parliament, advised by His Majesty's Government and by the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian

people must be the judge of the time and measure of each advance, and be guided by the co operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August, 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement, and to attach a different value to each part according to opinion. It has been said, for instance, that whereas the first part is a binding pledge, the later part is a mere expression of opinion of no importance But the Committee think that is of the utmost importance, from the very inauguration of these constitutional changes, that Parliament should make it quite plain that the responsibility for the successive stages of the development of self-government in India rests on itself and on itself alone, and that it cannot share this responsibility with, much less delegate it to, the newly-elected legislatures of India.

They also desire to emphasize the wisdom and justice of an increasing association of Indians with every branch of the administration, but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.

PART I.

Clause 1.—The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees, and if they recommend some additional provisions to those included in those reports, it does not mean that they are not very sensible of the value of the work done

without which, indeed, this constitutional change could not have been effected.

The lists of central, provincial and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (*see* Appendix F *to the Minutes of Evidence*); and as so amended they are accepted by this Committee, subject to certain general observations at the end of this Report. It must not, however, be concluded that these partitions of the functions of government are absolutely clear-cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's report, and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and belances should be distributed between the two sides of the provincial governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give-and-take, but they are aware that this question might, in certain circumstances, become the cause of much friction in the provincial government, and they are of opinion that the rules governing the allocation of these revenues and balances should be framed so as to make the existence of such friction impossible. They advise that, if the Governor, in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects, which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved, and certain sources to transferred sub-

jects, but they recommend that the Governor should allocate a definite proportion of the revenue, say, by way of illustration, two-thirds to reserve and one-third to transferred subjects, and similarly a proportion, though not necessarily the same fraction, of the balances. If the Governor desires assistance in making the allocation, he should be allowed at his discretion to refer the question to be decided to such authority as the Governor-General shall appoint. Further, the Committee are of opinion that it should be laid down from the first that, until an agreement which both sides of the Government will equally support has been reached, or until an allocation has been made by the Governor, the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter, as in all others, should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other, but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects; but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 4.—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor; and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord

with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election; but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advice that the status of ministers should be similar to that of the members of the executive council, but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

Provision has been made in this clause for the appointment, at the Governor's discretion, of non-official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under-Secretary in this country.

Clause 6.—The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked, There will be many matters of administrative business, as in all countries, which can be disposed of departmentally. But there will remain a large category

of business, of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects; but the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he

thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together, but members of the executive council and ministers should not oppose each other by speech or vote; members of the executive council should not be required to support either by speech or vote proposals of ministers of which they do not approve, nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

Clause 7.—The Committee have altered the first schedule to the Bill, so as to show only the total strength of the legislative council in each province. They have retained the provision, now in sub-clause (2), that at least 70 per cent. of the members shall be elected, and not more than 20 per cent. shall be officials. This general stipulation will govern the distribution of the seats in each province; but in certain respects the detailed arrangements will require further consideration, and proposals should be called for from the Government of India in regard to them. The points in question, as

well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations :—

(*a*) The Committee regard the number of seats allotted to the rural population, as distinct from the urban, as disproportionately low and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage-earning class; and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures, subject, however, to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(*b*) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised, as shown in the report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of depressed classes in each province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate Whenever possible, other persons than members of the Civil Services should be selected to represent the depressed classes, but if a member of those services specially qualified for this purpose, has to be appointed his nomination should not operate to increase the maximum ratio of official seats.

(*c*) In the Madras Presidency the Committee consider that the non-Brahmans must be provided with separate representation by means of the reservation of seats. The Brahmans and non-Brahmans should be invited to settle the matter by negotiation among themselves; and it would only be, if agreement cannot be reached in that way, that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(*d*) The Committee would recommend that similar treatment be accorded to the Mahrattas in the Bombay Presidency.

(*e*) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that, if a legislative council so voted, women might be put upon the register of voters in that province. The Committee have not felt able to settle this question themselves, as urged by the majority of witnesses who appeared before them It seems to them to go deep into the social system and susceptibilities of India, and, therefore, to be a question which can only, with any prudence, be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(*f*) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation, therefore, in respect of woman suffrage, is to be regarded as altogether exceptional, and as not forming any precedent in respect of proposals for other alterations

(*g*) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(*h*) The franchise for the University seats should be extended to all graduates of over seven years' standing.

(*i*) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a re-adjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(*j*) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the the local government of the province.

(*k*) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election, but that a criminal conviction entailing a sentence of more than six month's imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(*l*) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils whereby the restriction was to be imposed only in the Provinces of Bombay, the Punjab, and the Central Provinces may be accepted.

(*m*) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans, based on the Lucknow compact, may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the circumstances of India, and they recommend that this suggestion be fully explored, so that there may be material for consideration by the Statutory Commission when it sits

at the end of ten years. Further it has been strongly represented to the Committee, and the Committee are themselves firmly convinced, that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India, and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9.—The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside, and they advise that, for a period of four years, the President should be appointed by the Governor Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience The legislative council should itself elect a Vice-President, and at the end of four years the nominated President would disappear, and the President and Vice-President would be elected by the councils. The Committee attribute the greatest importance to this question of the Presidency of the legislative council. It will, in their opinion, conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11 —The Committee think that the provincial budget should be submitted to the vote of the legislative council, subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the council alter the provision for a transferred subject, the committee consider that the Governor would be justified, if so advised by his ministers, in re-submitting the pro-

vision to the council for a review of their former decision ; but they do not apprehend that any statutory prescription to that effect is required. Where the council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned, he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary ; unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament, that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises, as arise it must, the questions involved should be threshed out by both parts of the Government in consultation together, and it is especially important that in this matter both parts of the Government should, if possible, be in agreement when the proposals of the Government are laid before the legislature.

PART II.

Clause 20.—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor-General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure, precedents, and conventions. He should be the guide and adviser of the Presidents of the provincial councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25.—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly, on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges

in the Imperial Parliament) to exempt certain charges of a special or recurring nature, which have been set out in the Bill, *e.g.*, the cost of defence, the debt charges and certain fixed salaries, from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of expenditure of the Government of India. It is not, however, within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration, and a power must be reserved to the Governor-General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor-General in Council is real, and that it is meant to be used if and when necessary.

Clause 28.—The recommendation of the Committee is that the present limitation on the number of the members of the Governor-General's Executive Council should be removed, that three members of that Council should continue to be public servants or ex-public servants who have had not less than ten years' experience in the service of the Crown in India; that one member of the Council should have definite legal qualifications, but that those qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will, as time goes on, be more and more likely to be of Indian rather than of European extraction.

Clause 29.—The Committee have inserted this provision to allow of the selection of members of the legislature who will be able to undertake duties similar to those of the Parliamentary Under-Secretaries in this country. It should be entirely at the discretion of the Governor-

General to say to which departments these officers should be attached, and to define the scope of their duties.

PART III.

Clause 30.—The Committee think that all charges of the India Office, not being "agency" charges, should be paid out of moneys to be provided by Parliament

Clause 31.—The Committee are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come, it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience, and they are convinced that, if no such Council existed, the Secretary of State would have to form an informal one if not a formal one. Therefore, they think it much better to continue a body which has all the advantages behind it of tradition and authority, although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think, also, that its constitution may advantageously be modified by the introduction of more Indians into it and by shorttening of the period of the service upon it, in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33.—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to any one else, the Secretary

of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from White hall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it

does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should, in the Committee's judgment, be regulated by similar principles, so far as the reserved subjects are concerned. It follows, therefore, that in purely provincial matters, which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily be allowed to prevail, though it is necessary to bear in mind the fact that some reserved subjects do cover matters in chich the central government is closely concerned. Over transferred subjects, on the other hand, the control of the Governor-General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recommended in this Report; and Parliament would no doubt consider the opinion of this body when the rules come, as it is proposed that they should do, for acceptance by positive resolution in both Houses. The same procedure is recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill. It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of lying on the table of Parliament for a certain number of days. In deciding this point, however, he may naturally have recourse to the advice of the Standing Committee,

should it happen to be in session, and obtain their assistance in determining which rules deserved to be made the subject of the formal procedure by positive resolution.

Clause 35.—This clause carries out the recommendation of Lord Crew's Committee to appoint a High Commissioner for India, to be paid out of Indian revenues, who will perform for India functions of agency, as distinguished from political functions, analogous to those now performed in the offices of the High Commissioners of the Dominions.

PART IV.

Clause 36.—The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will, in certain circumstances, be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving, and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced, however, that the services will accept the changing conditions and the inevitable alteration in their own position, and devote themselves in all loyalty to making a success, so far as in them lies, of the new constitution.

In the provinces, officers serving in a reserved department will be controlled by the Governor in Council, and in a transferred department by the Governor acting with ministers, but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were re-

cruited, and they have introduced fresh provisions into this clause to that end. If friction occurs, a re-adjustment of persons and places may often get over the difficulty, and the Governor must always regard it as one of his most important duties to establish a complete understanding between his ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the changes to be made are so deeply-rooted that they feel they cannot usefully endeavour to take part in them, then the Committee think it would only be fair to those officers that they should be offered an equivalent career elsewhere, if it is in the power of His Majesty's Government to do so, or, in the last resort, that they should be allowed to retire on such pension as the Secretary of State in Council may consider suitable to their period of service.

PART V.

Clause 41.—The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years, and that no changes of substance in the constitution, whether in the franchise or in the lists of reserved and transferred subjects or otherwise, should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces, and to advise whether the time has come for full responsible government in each province, or in the alternative whether and to what extent the powers of self-government already granted should be extended, or modified, or restricted. It should be clearly understood, also, that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

END OF THE APPENDIX.